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From: Presidency

To: Delegations

No. prev. doc.: 8834/15, 8309/15, 12967/15

Subject: Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation)
- Chapters I and IX, Flexibility for public sector (Article 6(3) and Article 21)
- Preparation for trilogue

Introduction

1. At the Friends of Presidency DAPIX meeting of 27th October 2015 and with a view to the next trilogue, the Presidency invited delegations to discuss, on the basis of document 12967/15,

– Chapter I – General provisions

– Chapter IX – Provisions relating to specific processing situations

– Articles 6(3) and 21

- Relevant definitions in Article 4, in particular definitions (1), (2) EP, (3) and (7)
 - Relevant recitals: 1, 2, 3, 3a, 4, 5, 6, 6a, 7, 8, 9, 10, 11, 12, 13, 14, 14a, 15, 16, 16a, 17, 18, 23, 23aa, 24, 36, 59, 59a, 121, 121a, 122, 122a (EP), 123, 123a (EP), 124, 125, 125a (EP), 125aa, 125b, 126, 126a, 126b, 126c, 126d, 127, 128
2. Taking into account the General Approach reached on 15th June 2015 which constitutes the basis of the negotiation mandate for the Presidency, taking into account the discussions at the Friends of Presidency DAPIX meeting of 27th October 2015, as well as considering the European Parliament's position on Chapter I, IX, Articles 6(3) and 21, the Presidency has put together compromise suggestions in the 4th column of the document in annex with a view to the next trilogue. The Presidency invites delegations to share their views on these suggestions.
3. The Presidency wishes to indicate that recitals have been adapted in accordance with the changes made in the relevant articles.
4. In order to ensure an efficient discussion process, as well as to maximise its clarity, the Presidency chose to divide the different provisions into three categories.

The first category (points 5 and 6) relates either to provisions on which the co-legislators have a consensual view or to provisions where the Presidency intends to maintain the Council's General Approach. With regard to this category, the Presidency takes the view that no further discussion is needed. However, in case delegations wish to raise any crucial point or to provide further input relating to these articles, they may do so under point 9.

The second category (point 7) relates to provisions where the Presidency suggests minor modifications based on the Council's General Approach, in order to simplify wording, to adapt cross-references or to align with provisions elsewhere in the Regulation. With regard to this category, the Presidency takes the view that no further discussion is needed.

The third category (points 8 and 9) relates to provisions where the position of the European Parliament and the Council's General Approach are diverging but where the Presidency, on the basis of the discussions during the Friends of Presidency DAPIX meeting of 27th October 2015, either identifies a compromise solution or suggests to maintain the Council's General Approach.

Preparation for trilogue

5. Considering the position of the European Parliament and the Council's General Approach, delegations will note that there is a consensus on:

- Article 1 (1), (3)
- Article 2 (2) chapeau, (2(a)), (2(c))
- Article 3 (consequence of the trilogue on Chapter V)
- Article 6 (3(a))
- Article 21 (1(a)), (1(d)), (1(f))
- Article 83 (2(a)), (2(b)), (2(c)), (3)
- Article 84 (2)

The Presidency takes the view that no additional discussion is necessary on these provisions.

6. The Presidency suggests to maintain the Council's General Approach as regards:

- Article 1 (2)
- Article 2 (1), (2(e)), 2(3)
- Article 4 (1), (2), (3)
- Article 21 (1(ca)), (1(g))
- Article 80 as a whole
- Article 80a (new) (1) EP
- Article 80b as a whole
- Article 81 as a whole

- Article 82 (1a) EP, (1b) EP, (1c) EP, (1d) EP, (2), (3)

- Article 82a EP

- Article 83 (1b), (2)

- Article 83a EP as a whole

- Article 85 as a whole

- Article 85a (new) EP as a whole

- Article 85b (new) EP as a whole

The Presidency takes the view that no additional discussion is necessary on these articles. However, in case delegations wish to raise any crucial point or to provide further input relating to these articles, they may do so under point 9.

7. The Presidency suggests minor modifications to simplify wording, to adapt cross-references or to align with provisions elsewhere in the Regulation as regards:

- Recitals (3), (17), (24)

- Article 6(3(b))

8. With regard to the following provisions, the Presidency seeks the views of delegations with a view to either further clarify the Council's General Approach or to seek compromise solutions in view of the European Parliament's text. In this context, the Presidency invites delegations to share their comments on the issues raised.

Article 1 – Subject matter and objectives

- Concerning Article 1(2a), the Council’s General Approach foresees the possibility for Member States to maintain or introduce more specific provisions to adapt the rules set out by this Regulation with regard to Article 6(1) (c) and (e) and Chapter IX. Given that the European Parliament does not include such a provision, the Presidency proposes to maintain the substance of Article 1(2a) and move it to Article 6(3) as indicated in the 4th column. In order to improve readability, the wording has been simplified to avoid redundancies, as indicated in the 4th column.

Article 2 – Material scope

- According to Article 2(2(b)), EU institutions, bodies, offices and agencies do not fall within the scope of the Regulation. The European Parliament takes a more comprehensive approach, including EU institutions in Articles 2 and 89a new (EP) in as far as they are not subject to additional rules set out in Regulation 45/2001. In view of finding a compromise, the Presidency proposes a separate paragraph in Article 2 to clarify the application of this Regulation to EU institutions, bodies, offices and agencies and its articulation with Regulation 45/2001: “*This Regulation applies to the processing of personal data by the Union institutions, bodies, offices and agencies until Regulation 45/2001 is adapted.*” This clarifies that Regulation 45/2001 is *lex specialis* which does not preclude, and indeed encourage, its adaptation to the principles and rules of the General Data Protection Regulation as indicated in recital (14a) which may be further clarified. Delegations are invited to share their views on such an approach.
- Concerning Article 2(2(d)), the European Parliament refers to an “*exclusively personal or household activity*”. The Council’s General Approach does not contain such a reference. In view of finding a compromise, the Presidency suggests to refer to a “*purely personal or household activity*” as already contained in the Directive 95/46.

- Concerning Article 2(2(d)) on the household exemption, the Presidency considers that the idea of the European Parliament's addition "*a publication of personal data where it can be reasonably expected that they will be only accessed by a limited number of persons*" could be reflected in recital (15), as suggested in the 4th column. Delegations are invited to share their views on the text in brackets in recital (15).

Article 4 – Definitions

- In recital (23) linked to the definition of personal data, the European Parliament refers to "*single out*" the individual directly or indirectly as a means for identifying the individual. In view of finding a compromise, the Presidency suggests to be flexible on introducing such wording on the condition to further contextualize this expression in line with the opinion 5/2014 of the Article 29 Working Party which refers to "*a possibility to isolate some or all records which identify an individual in the dataset*".

Article 6 – Lawfulness of processing

- In Article 6(3) chapeau, the European Parliament maintains the wording "*provided for in*" when referring to the bases in Article 6 (1) (c) and (e). The Council's General Approach refers to "*established in accordance with*". In view of finding a compromise, the Presidency suggests to refer to "*established in*" as indicated in the 4th column.

Article 21 – Restrictions

- In the chapeau of Article 21(1), which provides for the possibility for Member States to restrict the scope of the obligations and rights provided for in Articles 12 to 20 and Article 32, the Council's General Approach includes a reference to Article 5 "*in so far as its provisions correspond to the rights and obligations provided for in Articles 12 to 20*". Following the discussions at the last Friends of Presidency DAPIX meeting, the Presidency intends to maintain the General Approach.

- Regarding the chapeau of Article 21(1), the European Parliament further frames the possibility of Member States to provide for restrictions by stating that such restriction “*meets a clearly defined objective of public interest, respects the essence of the right to protection of personal data, is proportionate to the legitimate aim pursued and respects the fundamental rights and interest of data subject*”. The Presidency, with a view to reach a compromise, suggests to introduce some of these safeguards, subject to redrafting, as indicated in the 4th column.

- Concerning Article 21(1(c)), the European Parliament deleted the reference to “*the protection of market stability and integrity*”. Delegations are invited to indicate their flexibility on a possible deletion of that reference, given that the references to an “*important economic or financial interest*”, including “*monetary, budgetary and taxation matters*”, may cover such situations.

- Concerning Article 21(1(e)), the Council’s General Approach refers to monitoring, inspection or regulatory functions even when they are occasionally connected with the exercise of official authority. The European Parliament deletes the reference to “*occasionally*” which makes the provision more restrictive. The Presidency proposes to keep the reference to “occasionally” but to accept the European Parliament’s wording “*in the framework of*” the exercise of official authority.

- Regarding Article 21(2), the European Parliament adopts a different structure than the Council’s General Approach which the Presidency considers to have the merit of improving the readability and clarity of the text, as indicated in the 4th column. Furthermore, the European Parliament foresees in the chapeau of this Article a further framing of the provision by adding that any legislative measure “*must be necessary and proportionate in a democratic society*”. The Presidency suggests to maintain the General Approach on that point.

- Article 21(2) refers to a list of elements which the specific national provisions should contain. The Presidency suggests to include the reference to the “*safeguards to prevent abuse or unlawful access or transfer*”, as indicated in the 4th column. The European Parliament also refers to the right of data subjects to be informed about the restriction (point e). The Presidency understands from the European Parliament that this refers to a general indication from the controller on the reasons for and the extent of the restriction. Given this precision, the Presidency suggests to include such a reference subject to redrafting as indicated in brackets in the 4th column. Delegations are invited to comment on these points.
- The European Parliament foresees in its Article 21(2a) that the restrictions “*shall neither permit nor oblige private controllers to retain data additional to those strictly necessary for the original purpose.*” The Presidency suggests to maintain the General Approach point.

Article 80a (new) EP – Access to documents

Article 80a – Processing of personal data and public access to official documents

- Concerning its Article 80a(2), the European Parliament maintains that “*each Member State shall notify to the Commission provisions of its law which it adopts*” in order to reconcile the right to the protection of personal data with the principle of public access to official documents. The Presidency suggests to maintain the Council’s General Approach on this point, while reminding delegations that such a provision is contained in Articles 82(2) and 84(2) of the Council’s General Approach.

Article 80aa – Processing of personal data and reuse of public sector information

- In Article 80aa, the Council’s General Approach foresees an articulation between the reuse of official documents and public sector information with the right to the protection of personal data. The European Parliament does not have such an article. The Presidency invites delegations to comment on the necessity of such an article, in particular considering Article 80a and considering Directive 2013/37 on the reuse of public sector information which contains provisions on the articulation with Directive 95/46.

Article 81 - Processing of personal data for health- related purposes

Article 9 – Processing of special categories of data

- The European Parliament can accept the deletion of Article 81 and move its content to Article 9. In relation to Article 9, the European Parliament insists on covering biometric data as a special category of data. The Council’s General Approach does not foresee this. The European Parliament also insists on referring to a “*substantial public interest*” in Article 9(2(g)). Finally, the European Parliament rejects the possibility for Member States to maintain or introduce more specific provisions in this context as foreseen by the Council’s General Approach in Article 9(5) and insists that the processing of health data must always be based on Union or Member State law. Delegations are invited to share their views on these elements.

Article 82 – Processing in the employment context

- In Article 82(1), the European Parliament adds the idea that the specific rules which Member States may adopt in the employment context should be taken “*in accordance with the rules set out in this Regulation and take into account the principle of proportionality*”. Furthermore, the European Parliament adds after “*in particular*” the words “*but not limited to*” in order to ensure that this is an open list. The Presidency takes the view that the Council’s General Approach should be maintained concerning these additions.
- In Article 82(1b), the European Parliament includes the idea that the consent of an employee is not a valid legal basis for processing personal data if it has not been given freely. The Presidency suggests to keep the Council’s General approach on that point.

- In Article 82(1c), the European Parliament foresees a detailed list of minimum standards to be included in the legal provisions adopted by Member States. The Council's General Approach does not contain such detailed provisions. In a spirit of compromise, the Presidency suggests to introduce the European Data Protection Supervisor's proposal in this context which states that "*these rules shall include suitable and specific measures to safeguard the data subject's human dignity, legitimate interests and fundamental rights, with particular regard to the transparency of processing, the transfer of data within a group of undertakings or group of enterprises and monitoring at the work place*", as indicated in the 4th column. In order to further meet the European Parliament's intention for increased harmonized for the processing of personal data in the employment context, delegations are invited to comment on the introduction of a delegated act as foreseen by the European Parliament in Article 82(3).

Article 83 – Derogations applying to processing of personal data for archiving purposes in the public interest or for scientific, statistical and historical purposes

- Concerning Article 83(1), the European Parliament takes the approach that "*personal data may be processed for historical, statistical or scientific research purposes only*" on the double condition that "*these purposes cannot be otherwise fulfilled by processing data which does not permit or not any longer permit the identification of the data subject*" and that the data in question are kept separately from any other information, amongst others, under "*the highest technical standards*". The Council's General Approach not only deletes these cumulative restrictions, but also allows Member States, subject to appropriate safeguards, to derogate from data subject rights contained in Articles 14a(1) and (2), 15, 16, 17, 17a, 17b, 18, 19, 23, 32, 33 and 53 (1b)(d) and (e), insofar as such derogation is necessary for the fulfilment of these purposes. Considering that these different approaches require a necessary compromise, the Presidency suggests to take on board the European Parliament's Article 83(1(a)) as a safeguard in Article 83(2) as indicated in the 4th column. In addition, the Presidency seeks the views of the delegations on the possible introduction, as a safeguard in Article 83(2), of the idea of the European Parliament's Article 83(1(b)) but in the form as it was originally proposed by the European Commission.

- In relation to this Article, recital (125b) of the Council’s General Approach gives further detail about the processing of personal data for archiving purposes in the public interest. Following concerns expressed by stakeholders, the Presidency considers that there could be merit in adding, in the list of examples, a reference to “*genocide, crimes against humanity or war crimes*”, as well as a sentence about the fundamental role of archives, as indicated in the 4th column, while remaining flexible on the exact wording.

Article 84 – Obligations of secrecy

- The European Parliament foresees in its Article 84(1) “*In accordance with the rules set out in this Regulation, Member States shall ensure*” that specific rules are in place. While the Presidency considers there is added value in adding the reference “*in accordance with the rules set out in this Regulation*”, it takes the view that the Council’s General Approach should be maintained as regards the modal verb “*may*”.
- In Article 84(1), the European Parliament does not refer to “*a code of professional ethics supervised and enforced by professional bodies*”, which it considers should always be based on a law or established by competent authorities. The Presidency invites delegations to indicate their flexibility as regards this reference.

Member States are invited to confirm the Presidency’s suggestions or share their views on the issues raised under point 8.

9. Finally, the Presidency invites the delegations to raise any other issue related to Chapters I and IX, and Articles 6(3) and 21.

COM (2012)0011	EP Position / First Reading	Council General Approach (15/06/2015)	Comments / compromise suggestions
(1) The protection of natural persons in relation to the processing of personal data is a fundamental right. Article 8(1) of the Charter of Fundamental Rights of the European Union and Article 16(1) of the Treaty lay down that everyone has the right to the protection of personal data concerning him or her.	(1) The protection of natural persons in relation to the processing of personal data is a fundamental right. Article 8(1) of the Charter of Fundamental Rights of the European Union and Article 16(1) of the Treaty lay down that everyone has the right to the protection of personal data concerning him or her.	(1) The protection of natural persons in relation to the processing of personal data is a fundamental right. Article 8(1) of the Charter of Fundamental Rights of the European Union and Article 16(1) of the Treaty lay down that everyone has the right to the protection of personal data concerning him or her.	(1) The protection of natural persons in relation to the processing of personal data is a fundamental right. Article 8(1) of the Charter of Fundamental Rights of the European Union and Article 16(1) of the Treaty lay down that everyone has the right to the protection of personal data concerning him or her.

<p>(2) The processing of personal data is designed to serve man; the principles and rules on the protection of individuals with regard to the processing of their personal data should, whatever the nationality or residence of natural persons, respect their fundamental rights and freedoms, notably their right to the protection of personal data. It should contribute to the accomplishment of an area of freedom, security and justice and of an economic union, to economic and social progress, the strengthening and the convergence of the economies within the internal market, and the well-being of individuals.</p>	<p>(2) The processing of personal data is designed to serve man; the principles and rules on the protection of individuals with regard to the processing of their personal data should, whatever the nationality or residence of natural persons, respect their fundamental rights and freedoms, notably their right to the protection of personal data. It should contribute to the accomplishment of an area of freedom, security and justice and of an economic union, to economic and social progress, the strengthening and the convergence of the economies within the internal market, and the well-being of individuals.</p>	<p>(2) The processing of personal data is designed to serve man; the principles and rules on the protection of individuals with regard to the processing of their personal data should, whatever the nationality or residence of natural persons, respect their fundamental rights and freedoms, notably their right to the protection of personal data. It should contribute to the accomplishment of an area of freedom, security and justice and of an economic union, to economic and social progress, the strengthening and the convergence of the economies within the internal market, and the well-being of individuals.</p>	<p>(2) The principles and rules on the protection of individuals with regard to the processing of their personal data should, whatever the nationality or residence of natural persons, respect their fundamental rights and freedoms, notably their right to the protection of personal data. It should contribute to the accomplishment of an area of freedom, security and justice and of an economic union, to economic and social progress, the strengthening and the convergence of the economies within the internal market, and the well-being of individuals.</p>
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<p>(3) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data seeks to harmonise the protection of fundamental rights and freedoms of natural persons in respect of processing activities and to guarantee the free flow of personal data between Member States.</p>	<p>(3) Directive 95/46/EC of the European Parliament and of the Council¹ of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data seeks to harmonise the protection of fundamental rights and freedoms of natural persons in respect of processing activities and to guarantee the free flow of personal data between Member States.</p> <p>¹ <i>Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).</i></p>	<p>(3) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data seeks to harmonise the protection of fundamental rights and freedoms of natural persons in respect of processing activities and to guarantee the free flow of personal data between Member States.</p>	<p>(3) Directive 95/46/EC of the European Parliament and of the Council seeks to harmonise the protection of fundamental rights and freedoms of natural persons in respect of processing activities and to guarantee the free flow of personal data between Member States.</p>
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		<p><i>(3a) The right to the protection of personal data is not an absolute right; it must be considered in relation to its function in society and be balanced with other fundamental rights, in accordance with the principle of proportionality. This Regulation respects all fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union as enshrined in the Treaties, notably the right to respect for private and family life, home and communications, the right to the protection of personal data, the freedom of thought, conscience and religion, the freedom of expression and information, the freedom to conduct a business, the right to an effective remedy and to a fair trial as well as cultural, religious and linguistic diversity.</i></p>	<p>(3a) The right to the protection of personal data is not an absolute right; it must be considered in relation to its function in society and be balanced with other fundamental rights, in accordance with the principle of proportionality. This Regulation respects all fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union as enshrined in the Treaties, notably the right to respect for private and family life, home and communications, the right to the protection of personal data, the freedom of thought, conscience and religion, the freedom of expression and information, the freedom to conduct a business, the right to an effective remedy and to a fair trial as well as cultural, religious and linguistic diversity.</p>
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<p>(4) The economic and social integration resulting from the functioning of the internal market has led to a substantial increase in cross-border flows. The exchange of data between economic and social, public and private actors across the Union increased. National authorities in the Member States are being called upon by Union law to co-operate and exchange personal data so as to be able to perform their duties or carry out tasks on behalf of an authority in another Member State.</p>	<p>(4) The economic and social integration resulting from the functioning of the internal market has led to a substantial increase in cross-border flows. The exchange of data between economic and social, public and private actors across the Union increased. National authorities in the Member States are being called upon by Union law to co-operate and exchange personal data so as to be able to perform their duties or carry out tasks on behalf of an authority in another Member State.</p>	<p>(4) The economic and social integration resulting from the functioning of the internal market has led to a substantial increase in cross-border flows. The exchange of data between economic and social, public and private actors, <i>including individuals and undertakings</i> across the Union <i>has</i> increased. National authorities in the Member States are being called upon by Union law to co-operate and exchange personal data so as to be able to perform their duties or carry out tasks on behalf of an authority in another Member State.</p>	<p>(4) The economic and social integration resulting from the functioning of the internal market has led to a substantial increase in cross-border flows. The exchange of data between public and private actors, including individuals and undertakings across the Union has increased. National authorities in the Member States are being called upon by Union law to co-operate and exchange personal data so as to be able to perform their duties or carry out tasks on behalf of an authority in another Member State.</p>
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<p>(5) Rapid technological developments and globalisation have brought new challenges for the protection of personal data. The scale of data sharing and collecting has increased spectacularly. Technology allows both private companies and public authorities to make use of personal data on an unprecedented scale in order to pursue their activities. Individuals increasingly make personal information available publicly and globally. Technology has transformed both the economy and social life, and requires to further facilitate the free flow of data within the Union and the transfer to third countries and international organisations, while ensuring a high level of the protection of personal data.</p>	<p>(5) Rapid technological developments and globalisation have brought new challenges for the protection of personal data. The scale of data sharing and collecting has increased spectacularly. Technology allows both private companies and public authorities to make use of personal data on an unprecedented scale in order to pursue their activities. Individuals increasingly make personal information available publicly and globally. Technology has transformed both the economy and social life, and requires to further facilitate the free flow of data within the Union and the transfer to third countries and international organisations, while ensuring a high level of the protection of personal data.</p>	<p>(5) Rapid technological developments and globalisation have brought new challenges for the protection of personal data. The scale of data sharing and collecting has increased spectacularly. Technology allows both private companies and public authorities to make use of personal data on an unprecedented scale in order to pursue their activities. Individuals increasingly make personal information available publicly and globally. Technology has transformed both the economy and social life, and requires to should further facilitate the free flow of data within the Union and the transfer to third countries and international organisations, while ensuring a high level of the protection of personal data.</p>	<p>(5) Rapid technological developments and globalisation have brought new challenges for the protection of personal data. The scale of data sharing and collecting has increased spectacularly. Technology allows both private companies and public authorities to make use of personal data on an unprecedented scale in order to pursue their activities. Individuals increasingly make personal information available publicly and globally. Technology has transformed both the economy and social life, and should further facilitate the free flow of data within the Union and the transfer to third countries and international organisations, while ensuring a high level of the protection of personal data.</p>
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<p>(6) These developments require building a strong and more coherent data protection framework in the Union, backed by strong enforcement, given the importance to create the trust that will allow the digital economy to develop across the internal market. Individuals should have control of their own personal data and legal and practical certainty for individuals, economic operators and public authorities should be reinforced.</p>	<p>(6) These developments require building a strong and more coherent data protection framework in the Union, backed by strong enforcement, given the importance to create the trust that will allow the digital economy to develop across the internal market. Individuals should have control of their own personal data and legal and practical certainty for individuals, economic operators and public authorities should be reinforced.</p>	<p>(6) These developments require building a strong and more coherent data protection framework in the Union, backed by strong enforcement, given the importance to of create creating the trust that will allow the digital economy to develop across the internal market. Individuals should have control of their own personal data and legal and practical certainty for individuals, economic operators and public authorities should be reinforced.</p>	<p>(6) These developments require a strong and more coherent data protection framework in the Union, backed by strong enforcement, given the importance of creating the trust that will allow the digital economy to develop across the internal market. Individuals should have control of their own personal data and legal and practical certainty for individuals, economic operators and public authorities should be reinforced.</p>
		<p><i>(6a) Where this Regulation provides for specifications or restrictions of its rules by Member State law, Member States may, as far as necessary for the coherence and for making the national provisions comprehensible to the persons to whom they apply, incorporate elements of the Regulation in their respective national law.</i></p>	<p>(6a) Where this Regulation provides for specifications or restrictions of its rules by Member State law, Member States may, as far as necessary for the coherence and for making the national provisions comprehensible to the persons to whom they apply, incorporate elements of the Regulation in their respective national law.</p>

<p>(7) The objectives and principles of Directive 95/46/EC remain sound, but it has not prevented fragmentation in the way data protection is implemented across the Union, legal uncertainty and a widespread public perception that there are significant risks for the protection of individuals associated notably with online activity. Differences in the level of protection of the rights and freedoms of individuals, notably to the right to the protection of personal data, with regard to the processing of personal data afforded in the Member States may prevent the free flow of personal data throughout the Union. These differences may therefore constitute an obstacle to the pursuit of economic activities at the level of the Union, distort competition and impede authorities in the discharge of their responsibilities under Union law. This difference in levels of protection is due to the existence of differences in the implementation and application of Directive 95/46/EC.</p>	<p>(7) The objectives and principles of Directive 95/46/EC remain sound, but it has not prevented fragmentation in the way data protection is implemented across the Union, legal uncertainty and a widespread public perception that there are significant risks for the protection of individuals associated notably with online activity. Differences in the level of protection of the rights and freedoms of individuals, notably to the right to the protection of personal data, with regard to the processing of personal data afforded in the Member States may prevent the free flow of personal data throughout the Union. These differences may therefore constitute an obstacle to the pursuit of economic activities at the level of the Union, distort competition and impede authorities in the discharge of their responsibilities under Union law. This difference in levels of protection is due to the existence of differences in the implementation and application of Directive 95/46/EC.</p>	<p>(7) The objectives and principles of Directive 95/46/EC remain sound, but it has not prevented fragmentation in the way data protection is implemented across the Union, legal uncertainty and a widespread public perception that there are significant risks for the protection of individuals associated notably with online activity. Differences in the level of protection of the rights and freedoms of individuals, notably to the right to the protection of personal data, with regard to the processing of personal data afforded in the Member States may prevent the free flow of personal data throughout the Union. These differences may therefore constitute an obstacle to the pursuit of economic activities at the level of the Union, distort competition and impede authorities in the discharge of their responsibilities under Union law. This difference in levels of protection is due to the existence of differences in the implementation and application of Directive 95/46/EC.</p>	<p>(7) The objectives and principles of Directive 95/46/EC remain sound, but it has not prevented fragmentation in the way data protection is implemented across the Union, legal uncertainty and a widespread public perception that there are significant risks for the protection of individuals associated notably with online activity. Differences in the level of protection of the rights and freedoms of individuals, notably to the right to the protection of personal data, with regard to the processing of personal data afforded in the Member States may prevent the free flow of personal data throughout the Union. These differences may therefore constitute an obstacle to the pursuit of economic activities at the level of the Union, distort competition and impede authorities in the discharge of their responsibilities under Union law. This difference in levels of protection is due to the existence of differences in the implementation and application of Directive 95/46/EC.</p>
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<p>(8) In order to ensure consistent and high level of protection of individuals and to remove the obstacles to flows of personal data, the level of protection of the rights and freedoms of individuals with regard to the processing of such data should be equivalent in all Member States. Consistent and homogenous application of the rules for the protection of the fundamental rights and freedoms of natural persons with regard to the processing of personal data should be ensured throughout the Union.</p>	<p>(8) In order to ensure consistent and high level of protection of individuals and to remove the obstacles to flows of personal data, the level of protection of the rights and freedoms of individuals with regard to the processing of such data should be equivalent in all Member States. Consistent and homogenous application of the rules for the protection of the fundamental rights and freedoms of natural persons with regard to the processing of personal data should be ensured throughout the Union.</p>	<p>(8) In order to ensure consistent and high level of protection of individuals and to remove the obstacles to flows of personal data <i>within the Union</i>, the level of protection of the rights and freedoms of individuals with regard to the processing of such data should be equivalent in all Member States. Consistent and homogenous application of the rules for the protection of the fundamental rights and freedoms of natural persons with regard to the processing of personal data should be ensured throughout the Union. <i>Regarding the processing of personal data 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, Member States should be allowed to maintain or introduce national provisions to further specify the application of the rules of this Regulation. In conjunction with the general and horizontal law on data protection implementing</i></p>	<p>(8) In order to ensure consistent and high level of protection of individuals and to remove the obstacles to flows of personal data within the Union, the level of protection of the rights and freedoms of individuals with regard to the processing of such data should be equivalent in all Member States. Consistent and homogenous application of the rules for the protection of the fundamental rights and freedoms of natural persons with regard to the processing of personal data should be ensured throughout the Union. Regarding the processing of personal data 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, Member States should be allowed to maintain or introduce national provisions to further specify the application of the rules of this Regulation. In conjunction with the general and horizontal law on data protection implementing Directive</p>
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<p>(9) Effective protection of personal data throughout the Union requires strengthening and detailing the rights of data subjects and the obligations of those who process and determine the processing of personal data, but also equivalent powers for monitoring and ensuring compliance with the rules for the protection of personal data and equivalent sanctions for offenders in the Member States.</p>	<p>(9) Effective protection of personal data throughout the Union requires strengthening and detailing the rights of data subjects and the obligations of those who process and determine the processing of personal data, but also equivalent powers for monitoring and ensuring compliance with the rules for the protection of personal data and equivalent sanctions for offenders in the Member States.</p>	<p>(9) Effective protection of personal data throughout the Union requires strengthening and detailing the rights of data subjects and the obligations of those who process and determine the processing of personal data, but also equivalent powers for monitoring and ensuring compliance with the rules for the protection of personal data and equivalent sanctions for offenders in the Member States.</p>	<p>(9) Effective protection of personal data throughout the Union requires strengthening and detailing the rights of data subjects and the obligations of those who process and determine the processing of personal data, but also equivalent powers for monitoring and ensuring compliance with the rules for the protection of personal data and equivalent sanctions for offenders in the Member States.</p>

(10) Article 16(2) of the Treaty mandates the European Parliament and the Council to lay down the rules relating to the protection of individuals with regard to the processing of personal data and the rules relating to the free movement of personal data	(10) Article 16(2) of the Treaty mandates the European Parliament and the Council to lay down the rules relating to the protection of individuals with regard to the processing of personal data and the rules relating to the free movement of personal data	(10) Article 16(2) of the Treaty mandates the European Parliament and the Council to lay down the rules relating to the protection of individuals with regard to the processing of personal data and the rules relating to the free movement of personal data	(10) Article 16(2) of the Treaty mandates the European Parliament and the Council to lay down the rules relating to the protection of individuals with regard to the processing of personal data and the rules relating to the free movement of personal data.
(11) In order to ensure a consistent level of protection for individuals throughout the Union and to prevent divergences hampering the free movement of data within the internal market, a Regulation is necessary to provide legal certainty and transparency for economic operators, including micro, small and medium-sized enterprises, and to provide individuals in all Member States with the same level of legally enforceable rights and obligations and responsibilities for controllers and processors, to ensure consistent monitoring of the processing of personal data, and equivalent sanctions in all Member States as well as effective co-operation by the supervisory authorities of different Member	(11) In order to ensure a consistent level of protection for individuals throughout the Union and to prevent divergences hampering the free movement of data within the internal market, a Regulation is necessary to provide legal certainty and transparency for economic operators, including micro, small and medium-sized enterprises, and to provide individuals in all Member States with the same level of legally enforceable rights and obligations and responsibilities for controllers and processors, to ensure consistent monitoring of the processing of personal data, and equivalent sanctions in all Member States as well as effective co-operation by the supervisory authorities of different Member	(11) In order to ensure a consistent level of protection for individuals throughout the Union and to prevent divergences hampering the free movement of data within the internal market, a Regulation is necessary to provide legal certainty and transparency for economic operators, including micro, small and medium-sized enterprises, and to provide individuals in all Member States with the same level of legally enforceable rights and obligations and responsibilities for controllers and processors, to ensure consistent monitoring of the processing of personal data, and equivalent sanctions in all Member States as well as effective co-operation by the supervisory authorities of different Member	(11) In order to ensure a consistent level of protection for individuals throughout the Union and to prevent divergences hampering the free movement of data within the internal market, a Regulation is necessary to provide legal certainty and transparency for economic operators, including micro, small and medium-sized enterprises, and to provide individuals in all Member States with the same level of legally enforceable rights and obligations and responsibilities for controllers and processors, to ensure consistent monitoring of the processing of personal data, and equivalent sanctions in all Member States as well as effective co-operation by the supervisory authorities of different Member

<p>States. To take account of the specific situation of micro, small and medium-sized enterprises, this Regulation includes a number of derogations. In addition, the Union institutions and bodies, Member States and their supervisory authorities are encouraged to take account of the specific needs of micro, small and medium-sized enterprises in the application of this Regulation. The notion of micro, small and medium-sized enterprises should draw upon Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises.</p>	<p>States. To take account of the specific situation of micro, small and medium-sized enterprises, this Regulation includes a number of derogations. In addition, the Union institutions and bodies, Member States and their supervisory authorities are encouraged to take account of the specific needs of micro, small and medium-sized enterprises in the application of this Regulation. The notion of micro, small and medium-sized enterprises should draw upon Commission Recommendation 2003/361/EC¹ of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises.</p> <p>¹ <i>Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).</i></p>	<p>States. <i>The proper functioning of the internal market requires that the free movement of personal data within the Union should not be restricted or prohibited for reasons connected with the protection of individuals with regard to the processing of personal data.</i></p> <p>To take account of the specific situation of micro, small and medium-sized enterprises, this Regulation includes a number of derogations. In addition, the Union institutions and bodies, Member States and their supervisory authorities are encouraged to take account of the specific needs of micro, small and medium-sized enterprises in the application of this Regulation. The notion of micro, small and medium-sized enterprises should draw upon Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises.</p>	<p>States. The proper functioning of the internal market requires that the free movement of personal data within the Union should not be restricted or prohibited for reasons connected with the protection of individuals with regard to the processing of personal data.</p> <p>To take account of the specific situation of micro, small and medium-sized enterprises, this Regulation includes a number of derogations. In addition, the Union institutions and bodies, Member States and their supervisory authorities are encouraged to take account of the specific needs of micro, small and medium-sized enterprises in the application of this Regulation. The notion of micro, small and medium-sized enterprises should draw upon Commission Recommendation 2003/361/EC.</p>
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<p>(12) The protection afforded by this Regulation concerns natural persons, whatever their nationality or place of residence, in relation to the processing of personal data. With regard to the processing of data which concern legal persons and in particular undertakings established as legal persons, including the name and the form of the legal person and the contact details of the legal person, the protection of this Regulation should not be claimed by any person. This should also apply where the name of the legal person contains the names of one or more natural persons.</p>	<p>(12) The protection afforded by this Regulation concerns natural persons, whatever their nationality or place of residence, in relation to the processing of personal data. With regard to the processing of data which concern legal persons and in particular undertakings established as legal persons, including the name and the form of the legal person and the contact details of the legal person, the protection of this Regulation should not be claimed by any person. This should also apply where the name of the legal person contains the names of one or more natural persons.</p>	<p>(12) The protection afforded by this Regulation concerns natural persons, whatever their nationality or place of residence, in relation to the processing of personal data. With regard to the processing of data which concern legal persons and in particular undertakings established as legal persons, including the name and the form of the legal person and the contact details of the legal person, the protection of this Regulation should not be claimed by any person. This should also apply where the name of the legal person contains the names of one or more natural persons.</p>	<p>(12) The protection afforded by this Regulation concerns natural persons, whatever their nationality or place of residence, in relation to the processing of personal data. With regard to the processing of data which concern legal persons and in particular undertakings established as legal persons, including the name and the form of the legal person and the contact details of the legal person, the protection of this Regulation should not be claimed by any person.</p>
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(13) The protection of individuals should be technologically neutral and not depend on the techniques used; otherwise this would create a serious risk of circumvention. The protection of individuals should apply to processing of personal data by automated means as well as to manual processing, if the data are contained or are intended to be contained in a filing system. Files or sets of files as well as their cover pages, which are not structured according to specific criteria, should not fall within the scope of this Regulation.	(13) The protection of individuals should be technologically neutral and not depend on the techniques used; otherwise this would create a serious risk of circumvention. The protection of individuals should apply to processing of personal data by automated means as well as to manual processing, if the data are contained or are intended to be contained in a filing system. Files or sets of files as well as their cover pages, which are not structured according to specific criteria, should not fall within the scope of this Regulation.	(13) The protection of individuals should be technologically neutral and not depend on the techniques used; otherwise this would create a serious risk of circumvention. The protection of individuals should apply to processing of personal data by automated means as well as to manual processing, if the data are contained or are intended to be contained in a filing system. Files or sets of files as well as their cover pages, which are not structured according to specific criteria, should not fall within the scope of this Regulation.	(13) The protection of individuals should be technologically neutral and not depend on the techniques used; otherwise this would create a serious risk of circumvention. The protection of individuals should apply to processing of personal data by automated means as well as to manual processing, if the data are contained or are intended to be contained in a filing system. Files or sets of files as well as their cover pages, which are not structured according to specific criteria, should not fall within the scope of this Regulation.
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<p>(14) This Regulation does not address issues of protection of fundamental rights and freedoms or the free flow of data related to activities which fall outside the scope of Union law, nor does it cover the processing of personal data by the Union institutions, bodies, offices and agencies, which are subject to Regulation (EC) No 45/2001, or the processing of personal data by the Member States when carrying out activities in relation to the common foreign and security policy of the Union.</p>	<p>(14) This Regulation does not This Regulation does not address issues of protection of fundamental rights and freedoms or the free flow of data related to activities which fall outside the scope of Union law, nor does it cover the processing of personal data by the Union institutions, bodies, offices and agencies, which are subject to. Regulation (EC) No 45/2001, or the processing of personal data by the Member States when carrying out activities in relation to the common foreign and security policy of the Union <i>of the European Parliament and of the Council¹ should be brought in line with this Regulation and applied in accordance with this Regulation.</i></p> <hr/> <p><i>¹ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).</i></p>	<p>(14) This Regulation does not address issues of protection of fundamental rights and freedoms or the free flow of data related to activities which fall outside the scope of Union law, <i>such as activities concerning national security</i>, nor does it cover the processing of personal data by the Union institutions, bodies, offices and agencies, which are subject to Regulation (EC) No 45/2001, or the processing of personal data by the Member States when carrying out activities in relation to the common foreign and security policy of the Union.</p>	<p>(14) This Regulation does not address issues of protection of fundamental rights and freedoms or the free flow of data related to activities which fall outside the scope of Union law, such as activities concerning national security, nor does it cover the processing of personal data by the Member States when carrying out activities in relation to the common foreign and security policy of the Union.</p>
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		<p><i>(14a) Regulation (EC) No 45/2001 applies to the processing of personal data by the Union institutions, bodies, offices and agencies. Regulation (EC) No 45/2001 and other Union legal instruments applicable to such processing of personal data should be adapted to the principles and rules of this Regulation.</i></p>	<p>(14a) Regulation (EC) No 45/2001 applies to the processing of personal data by the Union institutions, bodies, offices and agencies. Regulation (EC) No 45/2001 and other Union legal instruments applicable to such processing of personal data should be adapted to the principles and rules of this Regulation. This Regulation shall apply to Union institutions, bodies, offices and agencies until the rules of Regulation (EC) No 45/2001 are adapted.</p>
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	<i>Amendment 2</i>		
<p>(15) This Regulation should not apply to processing of personal data by a natural person, which are exclusively personal or domestic, such as correspondence and the holding of addresses, and without any gainful interest and thus without any connection with a professional or commercial activity. The exemption should also not apply to controllers or processors which provide the means for processing personal data for such personal or domestic activities.</p>	<p>(15) This Regulation should not apply to processing of personal data by a natural person, which are exclusively personal, <i>family-related</i>, or domestic, such as correspondence and the holding of addresses <i>or a private sale</i>; and without any gainful interest and thus without any connection with a professional or commercial activity. The exemption should also not apply to controllers or processors which provide the means for processing personal data for such personal or domestic activities. <i>However, this Regulation should apply to controllers and processors which provide the means for processing personal data for such personal or domestic activities.</i></p>	<p>(15) This Regulation should not apply to processing of personal data by a natural person <i>in the course of a, which are exclusively personal or domestic household activity, such as</i> correspondence and the holding of addresses, and without any gainful interest and thus without any a connection with a professional or commercial activity. <i>Personal and household activities include social networking and on-line activity undertaken within the context of such personal and household activities. However, this Regulation</i> The exemption should also not apply to controllers or processors which provide the means for processing personal data for such personal or domestic activities.</p>	<p>(15) This Regulation should not apply to processing of personal data by a natural person in the course of a personal or household activity-and thus without a connection with a professional or commercial activity. Personal and household activities include social networking and on-line activity undertaken within the context of such personal and household activities [where it can be reasonably expected that personal data will not be accessible to an indefinite number of individuals]. However, this Regulation should apply to controllers or processors which provide the means for processing personal data for such personal or domestic activities.</p>

<p>(16) The protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data, is subject of a specific legal instrument at Union level. Therefore, this Regulation should not apply to the processing activities for those purposes. However, data processed by public authorities under this Regulation when used for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties should be governed by the more specific legal instrument at Union level (Directive XX/YYYY).</p>	<p>(16) The protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data, is subject of a specific legal instrument at Union level. Therefore, this Regulation should not apply to the processing activities for those purposes. However, data processed by public authorities under this Regulation when used for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties should be governed by the more specific legal instrument at Union level (Directive XX/YYYY<i>(Directive 2014/.../EU of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal</i></p>	<p>(16) The protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties <i>or the safeguarding against and the prevention of threats to public security</i>, and the free movement of such data, is subject of a specific legal instrument at Union level.</p> <p>Therefore, this Regulation should not apply to the processing activities for those purposes. However, data processed by public authorities under this Regulation when used for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties should be governed by the more specific legal instrument at Union level (Directive XX/YYYY).</p> <p><i>Member States may entrust competent authorities within the meaning of Directive XX/YYYY with other tasks which are not necessarily carried out for the</i></p>	<p>(16) The protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties or the safeguarding against and the prevention of threats to public security, and the free movement of such data, is subject of a specific legal instrument at Union level.</p> <p>Therefore, this Regulation should not apply to the processing activities for those purposes. However, data processed by public authorities under this Regulation when used for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties should be governed by the more specific legal instrument at Union level (Directive XX/YYYY).</p> <p>Member States may entrust competent authorities within the meaning of Directive XX/YYYY with other tasks which are not necessarily carried out for the purposes of the prevention,</p>
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	<p><i>penalties, and the free movement of such data).</i></p>	<p><i>purposes of the prevention, investigation, detection or prosecution of criminal offences or the safeguarding against and prevention of threats to public security, so that the processing of personal data for those other purposes, in so far as it is within the scope of Union law, fall within the scope of this Regulation.</i></p> <p><i>With regard to the processing of personal data by those competent authorities for purposes falling within scope of the General Data Protection Regulation, Member States may maintain or introduce more specific provisions to adapt the application of the rules of the General Data Protection Regulation. Such provisions may determine more precisely specific requirements for processing of personal data by those competent authorities for those other purposes, taking into account the constitutional, organisational and administrative structure of the respective Member State.</i></p> <p><i>When processing of personal data by private bodies falls within the scope of this Regulation, this</i></p>	<p>investigation, detection or prosecution of criminal offences or the safeguarding against and prevention of threats to public security, so that the processing of personal data for those other purposes, in so far as it is within the scope of Union law, fall within the scope of this Regulation.</p> <p>With regard to the processing of personal data by those competent authorities for purposes falling within scope of the General Data Protection Regulation, Member States may maintain or introduce more specific provisions to adapt the application of the rules of the General Data Protection Regulation. Such provisions may determine more precisely specific requirements for processing of personal data by those competent authorities for those other purposes, taking into account the constitutional, organisational and administrative structure of the respective Member State.</p> <p>When processing of personal data by private bodies falls within the scope of this Regulation, this Regulation should provide for the</p>
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		<p><i>Regulation should provide for the possibility for Member States under specific conditions to restrict by law certain obligations and rights when such a restriction constitutes a necessary and proportionate measure in a democratic society to safeguard specific important interests including public security and the prevention, investigation, detection and prosecution of criminal offences. This is relevant for instance in the framework of anti-money laundering or the activities of forensic laboratories.</i></p>	<p>possibility for Member States under specific conditions to restrict by law certain obligations and rights when such a restriction constitutes a necessary and proportionate measure in a democratic society to safeguard specific important interests including public security and the prevention, investigation, detection and prosecution of criminal offences. This is relevant for instance in the framework of anti-money laundering or the activities of forensic laboratories.</p>
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		<p><i>(16a) While this Regulation applies also to the activities of courts and other judicial authorities, Union or Member State law could specify the processing operations and processing procedures in relation to the processing of personal data by courts and other judicial authorities. The competence of the supervisory authorities should not cover the processing of personal data when courts are acting in their judicial capacity, in order to safeguard the independence of the judiciary in the performance of its judicial tasks, including its decision-making. Supervision of such data processing operations may be entrusted to specific bodies within the judicial system of the Member State, which should in particular control compliance with the rules of this Regulation, promote the awareness of the judiciary of their obligations under this Regulation and deal with complaints in relation to such processing.</i></p>	<p>(16a) While this Regulation applies also to the activities of courts and other judicial authorities, Union or Member State law could specify the processing operations and processing procedures in relation to the processing of personal data by courts and other judicial authorities. The competence of the supervisory authorities should not cover the processing of personal data when courts are acting in their judicial capacity, in order to safeguard the independence of the judiciary in the performance of its judicial tasks, including its decision-making. Supervision of such data processing operations may be entrusted to specific bodies within the judicial system of the Member State, which should in particular control compliance with the rules of this Regulation, promote the awareness of the judiciary of their obligations under this Regulation and deal with complaints in relation to such processing.</p>
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<p>(17) This Regulation should be without prejudice to the application of Directive 2000/31/EC, in particular of the liability rules of intermediary service providers in Articles 12 to 15 of that Directive.</p>	<p>(17) This Regulation should be without prejudice to the application of Directive 2000/31/EC of the European Parliament and of the Council¹, in particular of the liability rules of intermediary service providers in Articles 12 to 15 of that Directive.</p> <p>¹ <i>Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce) (OJ L 178, 17.7.2000, p. 1).</i></p>	<p>(17) <i>Directive 2000/31/EC does not apply to questions relating to information society services covered by this Regulation. That Directive seeks to contribute to the proper functioning of the internal market by ensuring the free movement of information society services between Member States. Its application should not be affected by this Regulation.</i> This Regulation should <i>therefore</i> be without prejudice to the application of Directive 2000/31/EC, in particular of the liability rules of intermediary service providers in Articles 12 to 15 of that Directive.</p>	<p>(17) This Regulation should be without prejudice to the application of Directive 2000/31/EC of the European Parliament and of the Council, in particular of the liability rules of intermediary service providers in Articles 12 to 15 of that Directive. That Directive seeks to contribute to the proper functioning of the internal market by ensuring the free movement of information society services between Member States.</p>
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<p>(18) This Regulation allows the principle of public access to official documents to be taken into account when applying the provisions set out in this Regulation.</p>	<p>(18) This Regulation allows the principle of public access to official documents to be taken into account when applying the provisions set out in this Regulation. <i>Personal data in documents held by a public authority or public body may be disclosed by that authority or body in accordance with Union or Member State law regarding public access to official documents, which reconciles the right to data protection with the right of public access to official documents and constitutes a fair balance of the various interests involved.</i></p>	<p><i>(18) deleted</i></p>	
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<p>(23) The principles of protection should apply to any information concerning an identified or identifiable person. To determine whether a person is identifiable, account should be taken of all the means likely reasonably to be used either by the controller or by any other person to identify the individual. The principles of data protection should not apply to data rendered anonymous in such a way that the data subject is no longer identifiable.</p>	<p>(23) The principles of data protection should apply to any information concerning an identified or identifiable natural person. To determine whether a person is identifiable, account should be taken of all the means likely reasonably likely to be used either by the controller or by any other person to identify or single out the individual directly or indirectly. To ascertain whether means are reasonably likely to be used to identify the individual, account should be taken of all objective factors, such as the costs of and the amount of time required for identification, taking into consideration both available technology at the time of the processing and technological development. The principles of data protection should therefore not apply to anonymous data rendered anonymous in such a way that the data subject is no longer identifiable, which is information that does not relate to an identified or identifiable natural person. This Regulation does therefore not concern the processing of such anonymous</p>	<p>(23) The principles of <i>data</i> protection should apply to any information concerning an identified or identifiable <i>natural</i> person. <i>Data including pseudonymised data, which could be attributed to a natural person by the use of additional information, should be considered as information on an identifiable natural person.</i> To determine whether a person is identifiable, account should be taken of all the means likely reasonably to be used either by the controller or by any other person to identify the individual <i>directly or indirectly. To ascertain whether means are reasonable likely to be used to identify the individual, account should be taken of all objective factors, such as the costs of and the amount of time required for identification, taking into consideration both available technology at the time of the processing and technological development.</i> The principles of data protection should <i>therefore</i> not apply to <i>anonymous information, that is information which does not relate to an identified or</i></p>	<p>(23) The principles of data protection should apply to any information concerning an identified or identifiable natural person. Data including pseudonymised data, which could be attributed to a natural person by the use of additional information, should be considered as information on an identifiable natural person. To determine whether a person is identifiable, account should be taken of all the means reasonably likely to be used either by the controller or by any other person to identify the individual directly or indirectly, or single out the individual directly or indirectly, which means the possibility to isolate some or all records which identify an individual in the dataset. To ascertain whether means are reasonable likely to be used to identify the individual, account should be taken of all objective factors, such as the costs of and the amount of time required for identification, taking into consideration both available technology at the time of the processing and technological development. The principles of data</p>
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	data, including for statistical and research purposes.	<i>identifiable natural person or to data rendered anonymous in such a way that the data subject is not or no longer identifiable. This Regulation does therefore not concern the processing of such anonymous information, including for statistical and research purposes.</i>	protection should therefore not apply to anonymous information, that is information which does not relate to an identified or identifiable natural person or to data rendered anonymous in such a way that the data subject is not or no longer identifiable. This Regulation does therefore not concern the processing of such anonymous information, including for statistical and research purposes.
		<i>(23aa) The principles of data protection should not apply to data of deceased persons. The national law of a Member State may provide for rules regarding the processing of data of deceased persons.</i>	(23aa) The principles of data protection should not apply to data of deceased persons. The national law of a Member State may provide for rules regarding the processing of data of deceased persons.

<p>(24) When using online services, individuals may be associated with online identifiers provided by their devices, applications, tools and protocols, such as Internet Protocol addresses or cookie identifiers. This may leave traces which, combined with unique identifiers and other information received by the servers, may be used to create profiles of the individuals and identify them. It follows that identification numbers, location data, online identifiers or other specific factors as such need not necessarily be considered as personal data in all circumstances.</p>	<p>(24) When using online services, individuals may be associated with online identifiers provided by their devices, applications, tools and protocols, such as Internet Protocol addresses or cookie identifiers and <i>This Regulation should be applicable to processing involving identifiers provided by their devices, applications, tools and protocols, such as Internet Protocol addresses or cookie identifiers and Radio Frequency Identification tags, unless those identifiers do not relate to an identified or identifiable natural person. This may leave traces which, combined with unique identifiers and other information received by the servers, may be used to create profiles of the individuals and identify them. It follows that identification numbers, location data, online identifiers or other specific factors as such need not necessarily be considered as personal data in all circumstances.</i></p>	<p>(24) When using online services, individuals may be associated with online identifiers provided by their devices, applications, tools and protocols, such as Internet Protocol addresses or cookie identifiers. This may leave traces which, <i>when</i> combined with unique identifiers and other information received by the servers, may be used to create profiles of the individuals and identify them. It follows that Identification numbers, location data, online identifiers or other specific factors as such need <i>should</i> not necessarily be considered as personal data in all circumstances <i>if they do not identify an individual or make an individual identifiable.</i></p>	<p>(24) When using online services, individuals may be associated with online identifiers provided by their devices, applications, tools and protocols, such as Internet Protocol addresses or cookie identifiers and Radio Frequency Identification tags. This may leave traces which, when combined with unique identifiers and other information received by the servers, may be used to create profiles of the individuals and identify them.</p> <p>Identification numbers, location data, online identifiers or other specific factors as such should not be considered as personal data if they do not identify an individual or make an individual identifiable.</p>
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<p>(36) Where processing is carried out in compliance with a legal obligation to which the controller is subject or where processing is necessary for the performance of a task carried out in the public interest or in the exercise of an official authority, the processing should have a legal basis in Union law, or in a Member State law which meets the requirements of the Charter of Fundamental Rights of the European Union for any limitation of the rights and freedoms. It is also for Union or national law to determine whether the controller performing a task carried out in the public interest or in the exercise of official authority should be a public administration or another natural or legal person governed by public law, or by private law such as a professional association.</p>	<p>(36) Where processing is carried out in compliance with a legal obligation to which the controller is subject or where processing is necessary for the performance of a task carried out in the public interest or in the exercise of an official authority, the processing should have a legal basis in Union law, or in a Member State law which meets the requirements of the Charter of Fundamental Rights of the European Union for any limitation of the rights and freedoms. <i>This should include also collective agreements that could be recognised under national law as having general validity.</i> It is also for Union or national law to determine whether the controller performing a task carried out in the public interest or in the exercise of official authority should be a public administration or another natural or legal person governed by public law, or by private law such as a professional association.</p>	<p>(36) Where processing is carried out in compliance with a legal obligation to which the controller is subject or where processing is necessary for the performance of a task carried out in the public interest or in the exercise of an official authority, the processing should have a legal basis in Union law, or in <i>the national law of</i> a Member State law which meets the requirements of the Charter of Fundamental Rights of the European Union for any limitation of the rights and freedoms. It is <i>should be</i> also for Union or national law to determine <i>the purpose of processing.</i> whether the controller performing a task carried out in the public interest or in the exercise of official authority should be a public administration or another natural or legal person governed by public law, or by private law such as a professional association. <i>Furthermore, this basis could specify the general conditions of the Regulation governing the lawfulness of data processing, determine specifications for determining the controller, the type of data which are subject to the</i></p>	<p>(36) Where processing is carried out in compliance with a legal obligation to which the controller is subject or where processing is necessary for the performance of a task carried out in the public interest or in the exercise of an official authority, the processing should have a basis in Union law, or in the national law of a Member State. It should be also for Union or national law to determine the purpose of processing. Furthermore, this basis could specify the general conditions of the Regulation governing the lawfulness of data processing, determine specifications for determining the controller, the type of data which are subject to the processing, the data subjects concerned, the entities to which the data may be disclosed, the purpose limitations, the storage period and other measures to ensure lawful and fair processing.</p> <p>It should also be for Union or national law to determine whether the controller performing a task carried out in the public interest or in the exercise of official authority</p>
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		<p><i>processing, the data subjects concerned, the entities to which the data may be disclosed, the purpose limitations, the storage period and other measures to ensure lawful and fair processing.</i></p> <p><i>It should also be for Union or national law to determine whether the controller performing a task carried out in the public interest or in the exercise of official authority should be a public authority or another natural or legal person governed by public law, or by private law such as a professional association, where grounds of public interest so justify including for health purposes, such as public health and social protection and the management of health care services.</i></p>	<p>should be a public authority or another natural or legal person governed by public law, or by private law such as a professional association, where grounds of public interest so justify including for health purposes, such as public health and social protection and the management of health care services.</p>
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<p>(59) Restrictions on specific principles and on the rights of information, access, rectification and erasure or on the right to data portability, the right to object, measures based on profiling, as well as on the communication of a personal data breach to a data subject and on certain related obligations of the controllers may be imposed by Union or Member State law, as far as necessary and proportionate in a democratic society to safeguard public security, including the protection of human life especially in response to natural or man made disasters, the prevention, investigation and prosecution of criminal offences or of breaches of ethics for regulated professions, other public interests of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, or the protection of the data subject or the rights and freedoms of others.</p> <p>Those restrictions should be in compliance with requirements set out by the Charter of Fundamental Rights of the European Union and</p>	<p>(59) Restrictions on specific principles and on the rights of information, access, rectification and erasure or on the right <i>of access and to obtain</i> data portability, the right to object, measures based on profiling, as well as on the communication of a personal data breach to a data subject and on certain related obligations of the controllers may be imposed by Union or Member State law, as far as necessary and proportionate in a democratic society to safeguard public security, including the protection of human life especially in response to natural or man made disasters, the prevention, investigation and prosecution of criminal offences or of breaches of ethics for regulated professions, other <i>specific and well-defined</i> public interests of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, or the protection of the data subject or the rights and freedoms of others.</p> <p>Those restrictions should be in compliance with requirements set</p>	<p>(59) Restrictions on specific principles and on the rights of information, access, rectification and erasure or on the right to data portability, the right to object, measures based on profiling, as well as on the communication of a personal data breach to a data subject and on certain related obligations of the controllers may be imposed by Union or Member State law, as far as necessary and proportionate in a democratic society to safeguard public security, including the protection of human life especially in response to natural or man made disasters, the prevention, investigation and prosecution of criminal offences or of breaches of ethics for regulated professions, other public interests of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, <i>the keeping of public registers kept for reasons of general public interest, further processing of archived personal data to provide specific information related to the political behaviour under former totalitarian state regimes</i> or the</p>	<p>(59) Restrictions on specific principles and on the rights of information, access, rectification and erasure or on the right to data portability, the right to object, measures based on profiling, as well as on the communication of a personal data breach to a data subject and on certain related obligations of the controllers may be imposed by Union or Member State law, as far as necessary and proportionate in a democratic society to safeguard public security, including the protection of human life especially in response to natural or man made disasters, the prevention, investigation and prosecution of criminal offences or of breaches of ethics for regulated professions, other public interests of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, the keeping of public registers kept for reasons of general public interest, further processing of archived personal data to provide specific information related to the political behaviour under former totalitarian state regimes or the protection of the data</p>
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by the European Convention for the Protection of Human Rights and Fundamental Freedoms.	out by the Charter of Fundamental Rights of the European Union and by the European Convention for the Protection of Human Rights and Fundamental Freedoms.	protection of the data subject or the rights and freedoms of others, <i>including social protection public health and humanitarian purposes, such as the performance of a task incumbent upon the International Red Cross and Red Crescent Movement.</i> Those restrictions should be in compliance with requirements set out by the Charter of Fundamental Rights of the European Union and by the European Convention for the Protection of Human Rights and Fundamental Freedoms.	subject or the rights and freedoms of others, including social protection public health and humanitarian purposes, such as the performance of a task incumbent upon the International Red Cross and Red Crescent Movement. Those restrictions should be in compliance with requirements set out by the Charter of Fundamental Rights of the European Union and by the European Convention for the Protection of Human Rights and Fundamental Freedoms.
		<i>(59a) Nothing in this Regulation should derogate from the privilege of non-disclosure of confidential information of the International Committee of the Red Cross under international law, which shall be applicable in judicial and administrative proceedings.</i>	(59a) Nothing in this Regulation should derogate from the privilege of non-disclosure of confidential information of the International Committee of the Red Cross under international law, which shall be applicable in judicial and administrative proceedings.

<p>(121) The processing of personal data solely for journalistic purposes, or for the purposes of artistic or literary expression should qualify for exemption from the requirements of certain provisions of this Regulation in order to reconcile the right to the protection of personal data with the right to freedom of expression, and notably the right to receive and impart information, as guaranteed in particular by Article 11 of the Charter of Fundamental Rights of the European Union. This should apply in particular to processing of personal data in the audiovisual field and in news archives and press libraries. Therefore, Member States should adopt legislative measures, which should lay down exemptions and derogations which are necessary for the purpose of balancing these fundamental rights. Such exemptions and derogations should be adopted by the Member States on general principles, on the rights of the data subject, on controller and processor, on the transfer of data to third countries or international organisations, on the independent supervisory authorities</p>	<p>(121) The processing of personal data solely for journalistic purposes, or for the purposes of artistic or literary expression should qualify for exemption Whenever necessary, exemptions or derogations from the requirements of certain provisions of this Regulation for the processing of personal data should be provided for in order to reconcile the right to the protection of personal data with the right to freedom of expression, and notably the right to receive and impart information, as guaranteed in particular by Article 11 of the Charter of Fundamental Rights of the European Union. This should apply in particular to processing of personal data in the audiovisual field and in news archives and press libraries. Therefore, Member States should adopt legislative measures, which should lay down exemptions and derogations which are necessary for the purpose of balancing these fundamental rights. Such exemptions and derogations should be adopted by the Member States on general principles, on the rights of the data subject, on</p>	<p>(121) Member States law should reconcile the rules governing freedom of expression and information, including journalistic, academic, artistic and or literary expression with the right to the protection of personal data pursuant to this Regulation. The processing of personal data solely for journalistic purposes, or for the purposes of academic, artistic or literary expression should be subject to qualify for exemption from the requirements of certain provisions of this Regulation in order to reconcile the right to the protection of personal data with the right to freedom of expression, and notably the right to receive and impart information, as guaranteed in particular by Article 11 of the Charter of Fundamental Rights of the European Union. derogations or exemptions from certain provisions of this Regulation if necessary to reconcile the right to the protection of personal data, with the right to freedom of expression and information, as guaranteed by Article 11 of the Charter of Fundamental Rights of the European Union. This should apply</p>	<p>(121) Member States law should reconcile the rules governing freedom of expression and information, including journalistic, academic, artistic and or literary expression with the right to the protection of personal data pursuant to this Regulation. The processing of personal data solely for journalistic purposes, or for the purposes of academic, artistic or literary expression should be subject to derogations or exemptions from certain provisions of this Regulation if necessary to reconcile the right to the protection of personal data, with the right to freedom of expression and information, as guaranteed by Article 11 of the Charter of Fundamental Rights of the European Union. This should apply in particular to processing of personal data in the audiovisual field and in news archives and press libraries. Therefore, Member States should adopt legislative measures, which should lay down exemptions and derogations which are necessary for the purpose of balancing these fundamental rights. Such exemptions and derogations</p>
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<p>and on co-operation and consistency. This should not, however, lead Member States to lay down exemptions from the other provisions of this Regulation. In order to take account of the importance of the right to freedom of expression in every democratic society, it is necessary to interpret notions relating to that freedom, such as journalism, broadly. Therefore, Member States should classify activities as 'journalistic' for the purpose of the exemptions and derogations to be laid down under this Regulation if the object of these activities is the disclosure to the public of information, opinions or ideas, irrespective of the medium which is used to transmit them. They should not be limited to media undertakings and may be undertaken for profit-making or for non-profit making purposes.</p>	<p>controller and processor, on the transfer of data to third countries or international organisations, on the independent supervisory authorities, and on co-operation and consistency and on specific data processing situations. This should not, however, lead Member States to lay down exemptions from the other provisions of this Regulation. In order to take account of the importance of the right to freedom of expression in every democratic society, it is necessary to interpret notions relating to that freedom, such as journalism, broadly. Therefore, Member States should classify activities as "journalistic" for the purpose of the exemptions and derogations to be laid down under this Regulation if the object of these to cover all activities is which aim at the disclosure to the public of information, opinions or ideas, irrespective of the medium which is used to transmit them, also taking into account technological development. They should not be limited to media undertakings and may be undertaken for profit-making or for</p>	<p>in particular to processing of personal data in the audiovisual field and in news archives and press libraries. Therefore, Member States should adopt legislative measures, which should lay down exemptions and derogations which are necessary for the purpose of balancing these fundamental rights. Such exemptions and derogations should be adopted by the Member States on general principles, on the rights of the data subject, on controller and processor, on the transfer of data to third countries or international organisations, on the independent supervisory authorities and on co-operation and consistency. In case these exemptions or derogations differ from one Member State to another, the national law of the Member State to which the controller is subject should apply. This should not, however, lead Member States to lay down exemptions from the other provisions of this Regulation. In order to take account of the importance of the right to freedom of expression in every democratic society, it is necessary to interpret notions relating to that freedom,</p>	<p>should be adopted by the Member States on general principles, on the rights of the data subject, on controller and processor, on the transfer of data to third countries or international organisations, on the independent supervisory authorities and on co-operation and consistency. In case these exemptions or derogations differ from one Member State to another, the national law of the Member State to which the controller is subject should apply. In order to take account of the importance of the right to freedom of expression in every democratic society, it is necessary to interpret notions relating to that freedom, such as journalism, broadly.</p>
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	non-profit making purposes.	<p>such as journalism, broadly. Therefore, Member States should classify activities as ‘journalistic’ for the purpose of the exemptions and derogations to be laid down under this Regulation if the object of these activities is the disclosure to the public of information, opinions or ideas, irrespective of the medium which is used to transmit them. They should not be limited to media undertakings and may be undertaken for profit making or for non-profit making purposes.</p> <p><i>In order to take account of the importance of the right to freedom of expression in every democratic society, it is necessary to interpret notions relating to that freedom, such as journalism, broadly.</i></p>	
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		<p>(121a) This Regulation allows the principle of public access to official documents to be taken into account when applying the provisions set out in this Regulation. Public access to official documents may be considered as a public interest. Personal data in documents held by a public authority or a public body should be able to be publicly disclosed by this authority or body if the disclosure is provided for by Union law or Member State law to which the public authority or public body is subject. Such laws should reconcile public access to official documents and the reuse of public sector information with the right to the protection of personal data and may therefore provide for the necessary derogations from the rules of this regulation. The reference to public authorities and bodies should in this context include all authorities or other bodies covered by Member State law on public access to documents. Directive 2003/98/EC of the European Parliament and of the Council of 17 November</p>	<p>(121a) This Regulation allows the principle of public access to official documents to be taken into account when applying the provisions set out in this Regulation. Public access to official documents may be considered as a public interest. Personal data in documents held by a public authority or a public body should be able to be publicly disclosed by this authority or body if the disclosure is provided for by Union law or Member State law to which the public authority or public body is subject. Such laws should reconcile public access to official documents and the reuse of public sector information with the right to the protection of personal data and may therefore provide for the necessary derogations from the rules of this regulation. The reference to public authorities and bodies should in this context include all authorities or other bodies covered by Member State law on public access to documents. Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information leaves intact and in no</p>
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		<p>2003 on the re-use of public sector information leaves intact and in no way affects the level of protection of individuals with regard to the processing of personal data under the provisions of Union and national law, and in particular does not alter the obligations and rights set out in this Regulation. In particular, that Directive should not apply to documents access to which is excluded or restricted by virtue of the access regimes on the grounds of protection of personal data, and parts of documents accessible by virtue of those regimes which contain personal data the re-use of which has been defined by law as being incompatible with the law concerning the protection of individuals with regard to the processing of personal data.</p>	<p>way affects the level of protection of individuals with regard to the processing of personal data under the provisions of Union and national law, and in particular does not alter the obligations and rights set out in this Regulation. In particular, that Directive should not apply to documents access to which is excluded or restricted by virtue of the access regimes on the grounds of protection of personal data, and parts of documents accessible by virtue of those regimes which contain personal data the re-use of which has been defined by law as being incompatible with the law concerning the protection of individuals with regard to the processing of personal data.</p>
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<p>(122) The processing of personal data concerning health, as a special category of data which deserves higher protection, may often be justified by a number of legitimate reasons for the benefit of individuals and society as a whole, in particular in the context of ensuring continuity of cross-border healthcare. Therefore this Regulation should provide for harmonised conditions for the processing of personal data concerning health, subject to specific and suitable safeguards so as to protect the fundamental rights and the personal data of individuals. 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.</p>	<p>(122) The processing of personal data concerning health, as a special category of data which deserves higher protection, may often be justified by a number of legitimate reasons for the benefit of individuals and society as a whole, in particular in the context of ensuring continuity of cross-border healthcare. Therefore this Regulation should provide for harmonised conditions for the processing of personal data concerning health, subject to specific and suitable safeguards so as to protect the fundamental rights and the personal data of individuals. 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.</p>	<p><i>deleted</i></p>	<p><i>deleted</i></p>
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	<i>(122a) A professional who processes personal data concerning health should receive, if possible, anonymised or pseudonymised data, leaving the knowledge of the identity only to the General general Practitioner practitioner or to the Specialist specialist who has requested such data processing.</i>		
(123) The processing of personal data concerning health may be necessary for reasons of public interest in the areas of public health, without consent of the data subject. In that context, ‘public health’ should be interpreted as defined in Regulation (EC) No 1338/2008 of the European Parliament and of the Council of 16 December 2008 on Community statistics on public health and health and safety at work, meaning all elements related to health, namely health status, including morbidity and disability, the determinants having an effect on that health status, health care needs, resources allocated to health care, the provision of, and universal access to, health care as well as	(123) The processing of personal data concerning health may be necessary for reasons of public interest in the areas of public health, without consent of the data subject. In that context, ‘public health’ should be interpreted as defined in Regulation (EC) No 1338/2008 of the European Parliament and of the Council ¹ of 16 December 2008 on Community statistics on public health and health and safety at work , meaning all elements related to health, namely health status, including morbidity and disability, the determinants having an effect on that health status, health care needs, resources allocated to health care, the provision of, and universal access to, health care as	<i>deleted</i>	<i>deleted</i>

health care expenditure and financing, and the causes of mortality. Such processing of personal data concerning health for reasons of public interest should not result in personal data being processed for other purposes by third parties such as employers, insurance and banking companies.	<p>well as health care expenditure and financing, and the causes of mortality. Such processing of personal data concerning health for reasons of public interest should not result in personal data being processed for other purposes by third parties such as employers, insurance and banking companies.</p> <hr/> <p>^{1b} <i>Regulation (EC) No 1338/2008 of the European Parliament and of the Council of 16 December 2008 on Community statistics on public health and health and safety at work (OJ L 354, 31.12.2008, p. 70).</i></p>		
	<p>123a) The processing of personal data concerning health, as a special category of data, may be necessary for reasons of historical, statistical or scientific research. Therefore this Regulation foresees an exemption from the requirement of consent in cases of research that serves a high public interest.</p>		

<p>(124) The general principles on the protection of individuals with regard to the processing of personal data should also be applicable to the employment context. Therefore, in order to regulate the processing of employees' personal data in the employment context, Member States should be able, within the limits of this Regulation, to adopt by law specific rules for the processing of personal data in the employment sector.</p>	<p>(124) The general principles on the protection of individuals with regard to the processing of personal data should also be applicable to the employment <i>and the social security</i> context. Therefore, in order Member States should be able to regulate the processing of employees' personal data in the employment <i>and the processing of personal data in the social security</i> context <i>in accordance with the rules and minimum standards set out in</i>, Member States should be able, within the limits of this Regulation, to adopt by law specific rules for. <i>Where a statutory basis is provided in the Member State in question for the regulation of employment matters by agreement between employee representatives and the management of the undertaking or the controlling undertaking of a group of undertakings (collective agreement) or under</i></p>	<p>(124) The general principles on the protection of individuals with regard to the processing of personal data should also be applicable to the employment context. Therefore, in order to regulate the processing of employees' personal data in the employment context, Member States should be able, within the limits of this Regulation, to adopt by law specific rules for the processing of personal data in the employment sector. National law or collective agreements (including 'works agreements') may provide for specific rules on the processing of employees' personal data in the employment context, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law or by collective agreements, management, planning and organisation of work, equality and diversity in</p>	<p>(124) National law or collective agreements (including 'works agreements') may provide for specific rules on the processing of employees' personal data in the employment context, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law or by collective agreements, management, planning and organisation of work, equality and diversity in the workplace , health and safety at work, and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment relationship.</p>
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	<p><i>Directive 2009/38/EC of the European Parliament and of the Council¹, the processing of personal data in the employment sector context may also be regulated by such an agreement.</i></p> <hr/> <p><i>¹ Directive 2009/38/EC of the European Parliament and of the Council of 6 May 2009 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees (OJ L 122, 16.5.2009, p. 28).</i></p>	<p>the workplace , health and safety at work, and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment relationship.</p>	
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<p>(125) The processing of personal data for the purposes of historical, statistical or scientific research should, in order to be lawful, also respect other relevant legislation such as on clinical trials.</p>	<p>(125) The processing of personal data for the purposes of historical, statistical or scientific research should, in order to be lawful, also respect other relevant legislation such as on clinical trials.</p>	<p>(125) The processing of personal data for the purposes of historical, statistical or scientific research <i>purposes and for archiving purposes in the public interest</i> should, <i>in addition to the general principles and specific rules of this Regulation, in particular as regards the conditions for in-order</i> to be lawful <i>processing</i>, also <i>comply with</i> respect to other relevant legislation such as on clinical trials. <i>The further processing of personal data for historical, statistical and scientific purposes and for archiving purposes in the public interest should not be considered incompatible with the purposes for which the data are initially collected and may be processed for those purposes for a longer period than necessary for that initial purpose. Member States should be authorised to provide, under specific conditions and in the presence of appropriate safeguards for data subjects, specifications and derogations to the information requirements and the rights to access, rectification, erasure, to be forgotten, restriction of processing</i></p>	<p>(125) The processing of personal data for the purposes of historical, statistical or scientific purposes and for archiving purposes in the public interest should, in addition to the general principles and specific rules of this Regulation, in particular as regards the conditions for lawful processing, also comply with respect to other relevant legislation such as on clinical trials. The further processing of personal data for historical, statistical and scientific purposes and for archiving purposes in the public interest should not be considered incompatible with the purposes for which the data are initially collected and may be processed for those purposes for a longer period than necessary for that initial purpose. Member States should be authorised to provide, under specific conditions and in the presence of appropriate safeguards for data subjects, specifications and derogations to the information requirements and the rights to access, rectification, erasure, to be forgotten, restriction of processing and on the right to data portability and the right to object when</p>
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		<p><i>and on the right to data portability and the right to object when processing personal data for historical, statistical or scientific purposes and for archiving purposes. The conditions and safeguards in question may entail specific procedures for data subjects to exercise those rights if this is appropriate in the light of the purposes sought by the specific processing along with technical and organisational measures aimed at minimising the processing of personal data in pursuance of the proportionality and necessity principles.</i></p>	<p>processing personal data for historical, statistical or scientific purposes and for archiving purposes. The conditions and safeguards in question may entail specific procedures for data subjects to exercise those rights if this is appropriate in the light of the purposes sought by the specific processing along with technical and organisational measures aimed at minimising the processing of personal data in pursuance of the proportionality and necessity principles.</p>
	<p><i>(125a) Personal data may also be processed subsequently by archive services whose main or mandatory task is to collect, conserve, provide information about, exploit and disseminate archives in the public interest. Member State legislation should reconcile the right to the protection of personal data with the rules on archives and on public access to administrative information. Member States should encourage the drafting, in particular by the European</i></p>		

	<i>Archives Group, of rules to guarantee the confidentiality of data vis-à-vis third parties and the authenticity, integrity and proper conservation of data.</i>		
		<i>(125aa) By coupling information from registries, researchers can obtain new knowledge of great value when it comes to e.g. widespread diseases as cardiovascular disease, cancer, depression etc. On the basis of registries, research results can be enhanced, as they draw on a larger population. Within social science, research on the basis of registries enables researchers to obtain essential knowledge about long-term impact of a number of social conditions e.g. unemployment, education, and the coupling of this information to other life conditions. Research results obtained on the basis of registries provide solid, high quality knowledge, which can provide the basis for the formulation and implementation of knowledge-based policy, improve the quality of life for a number of people, and improve the efficiency of social</i>	(125aa) By coupling information from registries, researchers can obtain new knowledge of great value when it comes to e.g. widespread diseases as cardiovascular disease, cancer, depression etc. On the basis of registries, research results can be enhanced, as they draw on a larger population. Within social science, research on the basis of registries enables researchers to obtain essential knowledge about long-term impact of a number of social conditions e.g. unemployment, education, and the coupling of this information to other life conditions. Research results obtained on the basis of registries provide solid, high quality knowledge, which can provide the basis for the formulation and implementation of knowledge-based policy, improve the quality of life for a number of people, and improve the efficiency of social services etc. In order to

		<i>services etc. In order to facilitate scientific research, personal data can be processed for scientific purposes subject to appropriate conditions and safeguards set out in Member State or Union law. Hence consent from the data subject should not be necessary for each further processing for scientific purposes.</i>	facilitate scientific research, personal data can be processed for scientific purposes subject to appropriate conditions and safeguards set out in Member State or Union law. Hence consent from the data subject should not be necessary for each further processing for scientific purposes.
		<i>(125b) 'The importance of archives for the understanding of the history and culture of Europe' and 'that well-kept and accessible archives contribute to the democratic function of our societies', were underlined by Council Resolution of 6 May 2003 on archives in the Member States. Where personal data are processed for archiving purposes, this Regulation should also apply to that processing, bearing in mind that this Regulation should not apply to deceased persons. Public authorities or public or private bodies that hold records of public interest should be services which, pursuant to Union or Member State law, have a legal obligation to acquire, preserve, appraise,</i>	(125b) 'The importance of archives for the understanding of the history and culture of Europe' and 'that well-kept and accessible archives contribute to the democratic function of our societies', were underlined by Council Resolution of 6 May 2003 on archives in the Member States. In particular, archives play a fundamental role in preserving and passing on memories, notably with regard to racist, anti-semitic or xenophobic ideologies. Where personal data are processed for archiving purposes, this Regulation should also apply to that processing, bearing in mind that this Regulation should not apply to deceased persons. Public authorities or public or private bodies that hold records of public

		<p><i>arrange, describe, communicate, promote, disseminate and provide access to records of enduring value for general public interest. Member States should also be authorised to provide that personal data may be further processed for archiving purposes, for example with a view to providing specific information related to the political behaviour under former totalitarian state regimes.</i></p>	<p>interest should be services which, pursuant to Union or Member State law, have a legal obligation to acquire, preserve, appraise, arrange, describe, communicate, promote, disseminate and provide access to records of enduring value for general public interest. Member States should also be authorised to provide that personal data may be further processed for archiving purposes, for example with a view to providing specific information related to the political behaviour under former totalitarian state regimes, genocide, crimes against humanity or war crimes.</p>
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<p>(126) Scientific research for the purposes of this Regulation should include fundamental research, applied research, and privately funded research and in addition should take into account the Union's objective under Article 179(1) of the Treaty on the Functioning of the European Union of achieving a European Research Area.</p>	<p>(126) Scientific research for the purposes of this Regulation should include fundamental research, applied research, and privately funded research and in addition should take into account the Union's objective under Article 179(1) of the Treaty on the Functioning of the European Union of achieving a European Research Area. <i>The processing of personal data for historical, statistical and scientific research purposes should not result in personal data being processed for other purposes, unless with the consent of the data subject or on the basis of Union or Member State law.</i></p>	<p>(126) <i>Where personal data are processed for scientific research for the purposes, of this Regulation should also apply to that processing. For the purposes of this Regulation, processing of personal data for scientific purposes should include fundamental research, applied research, and privately funded research and in addition should take into account the Union's objective under Article 179(1) of the Treaty on the Functioning of the European Union of achieving a European Research Area. Scientific purposes should also include studies conducted in the public interest in the area of public health. To meet the specificities of processing personal data for scientific purposes specific conditions should apply in particular as regards the publication or otherwise disclosure of personal data in the context of scientific purposes. If the result of scientific research in particular in the health context gives reason for further measures in the interest of the data subject, the general rules of this Regulation should apply in view of those measures.</i></p>	<p>(126) Where personal data are processed for scientific purposes, this Regulation should also apply to that processing. For the purposes of this Regulation, processing of personal data for scientific purposes should include fundamental research, applied research, privately funded research and in addition should take into account the Union's objective under Article 179(1) of the Treaty on the Functioning of the European Union of achieving a European Research Area. Scientific purposes should also include studies conducted in the public interest in the area of public health. To meet the specificities of processing personal data for scientific purposes specific conditions should apply in particular as regards the publication or otherwise disclosure of personal data in the context of scientific purposes. If the result of scientific research in particular in the health context gives reason for further measures in the interest of the data subject, the general rules of this Regulation should apply in view of those measures.</p>
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		<i>(126a) Where personal data are processed for historical purposes, this Regulation should also apply to that processing. This should also include historical research and research for genealogical purposes, bearing in mind that this Regulation should not apply to deceased persons.</i>	(126a) Where personal data are processed for historical purposes, this Regulation should also apply to that processing. This should also include historical research and research for genealogical purposes, bearing in mind that this Regulation should not apply to deceased persons.
		<i>(126b) For the purpose of consenting to the participation in scientific research activities in clinical trials the relevant provisions of Regulation (EU) No. 536/2014 of the European Parliament and of the Council should apply.</i>	(126b) For the purpose of consenting to the participation in scientific research activities in clinical trials the relevant provisions of Regulation (EU) No. 536/2014 of the European Parliament and of the Council should apply.

		<p><i>(126c) Where personal data are processed for statistical purposes, this Regulation should apply to that processing. Union law or Member State law should, within the limits of this Regulation, determine statistical content, control of access, specifications for the processing of personal data for statistical purposes and appropriate measures to safeguard the rights and freedoms of the data subject and for guaranteeing statistical confidentiality.</i></p>	<p>(126c) Where personal data are processed for statistical purposes, this Regulation should apply to that processing. Union law or Member State law should, within the limits of this Regulation, determine statistical content, control of access, specifications for the processing of personal data for statistical purposes and appropriate measures to safeguard the rights and freedoms of the data subject and for guaranteeing statistical confidentiality.</p>
		<p><i>(126d) The confidential information which the Union and national statistical authorities collect for the production of official European and official national statistics should be protected. European statistics should be developed, produced and disseminated in conformity with the statistical principles as set out in Article 338(2) of the Treaty of the Functioning of the European Union, while national statistics should also comply with national law.</i></p>	<p>(126d) The confidential information which the Union and national statistical authorities collect for the production of official European and official national statistics should be protected. European statistics should be developed, produced and disseminated in conformity with the statistical principles as set out in Article 338(2) of the Treaty of the Functioning of the European Union, while national statistics should also comply with national law.</p> <p>Regulation (EC) No 223/2009 of the European Parliament and of the</p>

		<p>Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities provides further specifications on statistical confidentiality for European statistics.</p>	<p>Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities provides further specifications on statistical confidentiality for European statistics.</p>
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<p>(127) As regards the powers of the supervisory authorities to obtain from the controller or processor access personal data and access to its premises, Member States may adopt by law, within the limits of this Regulation, specific rules in order to safeguard the professional or other equivalent secrecy obligations, in so far as necessary to reconcile the right to the protection of personal data with an obligation of professional secrecy.</p>	<p>(127) As regards the powers of the supervisory authorities to obtain from the controller or processor access personal data and access to its premises, Member States may adopt by law, within the limits of this Regulation, specific rules in order to safeguard the professional or other equivalent secrecy obligations, in so far as necessary to reconcile the right to the protection of personal data with an obligation of professional secrecy.</p>	<p>(127) As regards the powers of the supervisory authorities to obtain from the controller or processor access personal data and access to its premises, Member States may adopt by law, within the limits of this Regulation, specific rules in order to safeguard the professional or other equivalent secrecy obligations, in so far as necessary to reconcile the right to the protection of personal data with an obligation of professional secrecy. <i>This is without prejudice to existing Member State obligations to adopt professional secrecy where required by Union law.</i></p>	<p>(127) As regards the powers of the supervisory authorities to obtain from the controller or processor access personal data and access to its premises, Member States may adopt by law, within the limits of this Regulation, specific rules in order to safeguard the professional or other equivalent secrecy obligations, in so far as necessary to reconcile the right to the protection of personal data with an obligation of professional secrecy. This is without prejudice to existing Member State obligations to adopt professional secrecy where required by Union law.</p>
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<p>(128) This Regulation respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States, as recognised in Article 17 of the Treaty on the Functioning of the European Union. As a consequence, where a church in a Member State applies, at the time of entry into force of this Regulation, comprehensive rules relating to the protection of individuals with regard to the processing of personal data, these existing rules should continue to apply if they are brought in line with this Regulation. Such churches and religious associations should be required to provide for the establishment of a completely independent supervisory authority.</p>	<p>(128) This Regulation respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States, as recognised in Article 17 of the Treaty on the Functioning of the European Union. As a consequence, where a church in a Member State applies, at the time of entry into force of this Regulation, comprehensive adequate rules relating to the protection of individuals with regard to the processing of personal data, these existing rules should continue to apply if they are brought in line with this Regulation and recognised as compliant. Such churches and religious associations should be required to provide for the establishment of a completely independent supervisory authority.</p>	<p>(128) This Regulation respects and does not prejudice the status under existing constitutional national law of churches and religious associations or communities in the Member States, as recognised in Article 17 of the Treaty on the Functioning of the European Union. As a consequence, where a church in a Member State applies, at the time of entry into force of this Regulation, comprehensive rules relating to the protection of individuals with regard to the processing of personal data, these existing rules should continue to apply if they are brought in line with this Regulation. Such churches and religious associations should be required to provide for the establishment of a completely independent supervisory authority.</p>	<p>(128) This Regulation respects and does not prejudice the status under existing constitutional law of churches and religious associations or communities in the Member States, as recognised in Article 17 of the Treaty on the Functioning of the European Union.</p>
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CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS
<i>Article 1</i>	<i>Article 1</i>	<i>Article 1</i>	<i>Article 1</i>
<i>Subject matter and objectives</i>	<i>Subject matter and objectives</i>	<i>Subject matter and objectives</i>	<i>Subject matter and objectives</i>
1. This Regulation lays down rules relating to the protection of individuals with regard to the processing of personal data and rules relating to the free movement of personal data.	1. This Regulation lays down rules relating to the protection of individuals with regard to the processing of personal data and rules relating to the free movement of personal data	1. This Regulation lays down rules relating to the protection of individuals with regard to the processing of personal data and rules relating to the free movement of personal data.	1. This Regulation lays down rules relating to the protection of individuals with regard to the processing of personal data and rules relating to the free movement of personal data.
2. This Regulation protects the fundamental rights and freedoms of natural persons, and in particular their right to the protection of personal data.	2. This Regulation protects the fundamental rights and freedoms of natural persons, and in particular their right to the protection of personal data.	2. This Regulation protects the fundamental rights and freedoms of natural persons, and in particular their right to the protection of personal data.	2. This Regulation protects fundamental rights and freedoms of natural persons, and in particular their right to the protection of personal data.

		<p><i>2a. Member States may maintain or introduce more specific provisions to adapt the application of the rules of this Regulation with regard to the processing of personal data for compliance with a legal obligation or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller or for other specific processing situations as provided for in Article 6(1)(c) and (e) by determining more precisely specific requirements for the processing and other measures to ensure lawful and fair processing including for other specific processing situations as provided for in Chapter IX.</i></p>	Moved to Article 6(3)
3. The free movement of personal data within the Union shall neither be restricted nor prohibited for reasons connected with the protection of individuals with regard to the processing of personal data.	3. The free movement of personal data within the Union shall neither be restricted nor prohibited for reasons connected with the protection of individuals with regard to the processing of personal data.	3. The free movement of personal data within the Union shall neither be restricted nor prohibited for reasons connected with the protection of individuals with regard to the processing of personal data.	3. The free movement of personal data within the Union shall neither be restricted nor prohibited for reasons connected with the protection of individuals with regard to the processing of personal data.

<i>Article 2</i>	<i>Article 2</i>	<i>Article 2</i>	<i>Article 2</i>
<i>Material scope</i>	<i>Material scope</i>	<i>Material scope</i>	<i>Material scope</i>
	<i>Amendment 96</i>		
1. This Regulation applies to the processing of personal data wholly or partly by automated means, and to the processing other than by automated means of personal data which form part of a filing system or are intended to form part of a filing system.	1. This Regulation applies to the processing of personal data wholly or partly by automated means, <i>irrespective of the method of processing</i> , and to the processing other than by automated means of personal data which form part of a filing system or are intended to form part of a filing system.	1. This Regulation applies to the processing of personal data wholly or partly by automated means, and to the processing other than by automated means of personal data which form part of a filing system or are intended to form part of a filing system.	1. This Regulation applies to the processing of personal data wholly or partly by automated means, and to the processing other than by automated means of personal data which form part of a filing system or are intended to form part of a filing system.
2. This Regulation does not apply to the processing of personal data:	2. This Regulation does not apply to the processing of personal data:	2. This Regulation does not apply to the processing of personal data:	2. This Regulation does not apply to the processing of personal data:
(a) in the course of an activity which falls outside the scope of Union law, in particular concerning national security;	(a) in the course of an activity which falls outside the scope of Union law, in particular concerning national security ;	(a) in the course of an activity which falls outside the scope of Union law, in particular concerning national security ;	(a) in the course of an activity which falls outside the scope of Union law;
(b) by the Union institutions, bodies, offices and agencies;	<i>deleted</i>	(b) by the Union institutions, bodies, offices and agencies;	<i>See new paragraph (2a)</i>
(c) by the Member States when carrying out activities which fall within the scope of Chapter 2 of the Treaty on European Union;	(c) by the Member States when carrying out activities which fall within the scope of Chapter 2 <i>of Title V</i> of the Treaty on European Union;	(c) by the Member States when carrying out activities which fall within the scope of Chapter 2 <i>of Title V</i> of the Treaty on European Union;	(c) by the Member States when carrying out activities which fall within the scope of Chapter 2 of Title V of the Treaty on European Union;

(d) by a natural person without any gainful interest in the course of its own exclusively personal or household activity;	(d) by a natural person without any gainful interest in the course of its own an exclusively personal or household activity. <i>This exemption shall also apply to a publication of personal data where it can be reasonably expected that # they will be only accessed by a limited number of persons;</i>	(d) by a natural person without any gainful interest in the course of its own exclusively a personal or household activity;	(d) by a natural person in the course of a [purely] personal or household activity;
(e) by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties	(e) by competent public authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties.	(e) by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences; or the execution of criminal penalties <i>or the safeguarding against and the prevention of threats to public security.</i>	(e) by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences, the execution of criminal penalties or the safeguarding against and the prevention of threats to public security.
			2a. This Regulation applies to the processing of personal data by the Union institutions, bodies, offices and agencies until Regulation 45/2001 is adapted.
3. This Regulation shall be without prejudice to the application of Directive 2000/31/EC, in particular of the liability rules of intermediary service providers in Articles 12 to 15 of that Directive.	3. This Regulation shall be without prejudice to the application of Directive 2000/31/EC, in particular of the liability rules of intermediary service providers in Articles 12 to 15 of that Directive.	<i>deleted</i>	3. This Regulation shall be without prejudice to the application of Directive 2000/31/EC, in particular of the liability rules of intermediary service providers in Articles 12 to 15 of that Directive.

<i>Article 3</i>	<i>Article 3</i>	<i>Article 3</i>	<i>Article 3</i>
<i>Territorial scope</i>	<i>Territorial scope</i>	<i>Territorial scope</i>	<i>Territorial scope</i>
	<i>Amendment 97</i>		
1. This Regulation applies to the processing of personal data in the context of the activities of an establishment of a controller or a processor in the Union.	1. This Regulation applies to the processing of personal data in the context of the activities of an establishment of a controller or a processor in the Union, <i>whether the processing takes place in the Union or not.</i>	1. This Regulation applies to the processing of personal data in the context of the activities of an establishment of a controller or a processor in the Union.	<i>Tentatively agreed with CHAP V</i> 1. This Regulation applies to the processing of personal data in the context of the activities of an establishment of a controller or a processor in the Union, regardless of whether the processing takes place in the Union or not.
2. This Regulation applies to the processing of personal data of data subjects residing in the Union by a controller not established in the Union, where the processing activities are related to:	2. This Regulation applies to the processing of personal data of data subjects residing in the Union by a controller <i>or processor</i> not established in the Union, where the processing activities are related to:	2. This Regulation applies to the processing of personal data of data subjects residing in the Union by a controller not established in the Union, where the processing activities are related to:	<i>Tentatively agreed with CHAP V</i> 2. This Regulation applies to the processing of personal data of data subjects who are in the Union by a controller or processor not established in the Union, where the processing activities are related to:
(a) the offering of goods or services to such data subjects in the Union; or	(a) the offering of goods or services, <i>irrespective of whether a payment of the data subject is required,</i> to such data subjects in the Union; or	(a) the offering of goods or services, <i>irrespective of whether a payment by the data subject is required,</i> to such data subjects in the Union; or	<i>Tentatively agreed with CHAP V</i> (a) the offering of goods or services, irrespective of whether a payment by the data subject is required, to such data subjects in the Union; or

(b) the monitoring of their behaviour.	(b) the monitoring of their behaviour such data subjects.	(b) the monitoring of their behaviour as far as their behaviour takes place within the European Union.	<i>Tentatively agreed with CHAP V</i> (b) the monitoring of their behaviour as far as their behaviour takes place within the European Union.
3. This Regulation applies to the processing of personal data by a controller not established in the Union, but in a place where the national law of a Member State applies by virtue of public international law.	3. This Regulation applies to the processing of personal data by a controller not established in the Union, but in a place where the national law of a Member State applies by virtue of public international law.	3. This Regulation applies to the processing of personal data by a controller not established in the Union, but in a place where the national law of a Member State applies by virtue of public international law.	<i>Tentatively agreed with CHAP V</i> 3. This Regulation applies to the processing of personal data by a controller not established in the Union, but in a place where the national law of a Member State applies by virtue of public international law.
<i>Article 4</i>	<i>Article 4</i>	<i>Article 4</i>	<i>Article 4</i>
<i>Definitions</i>	<i>Definitions</i>	<i>Definitions</i>	<i>Definitions</i>
	<i>Amendment 98</i>		
For the purposes of this Regulation:	For the purposes of this Regulation:	For the purposes of this Regulation:	For the purposes of this Regulation:
(1) 'data subject' means an identified natural person or a natural person who can be identified, directly or indirectly, by means reasonably likely to be used by the controller or by any other natural or legal person, in particular	deleted	(1) ' personal data ' means any information relating to data subject' means an identified or identifiable natural person (" data subject or a natural an identifiable person is one who can be identified, directly or indirectly, by means	(1) 'personal data' means any information relating to an identified or identifiable natural person 'data subject'; an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a

by reference to an identification number, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person;		reasonably likely to be used by the controller or by any other natural or legal person , in particular by reference to <i>an identifier such as a name</i> , an identification number, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person;	name, an identification number, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person;
(2) 'personal data' means any information relating to a data subject;	(2) 'personal data' means any information relating to a <i>an identified or identifiable natural person</i> ('data subject'); <i>an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, unique identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social or gender identity of that person;</i>	<i>deleted</i>	

<p>(3) 'processing' means any operation or set of operations which is performed upon personal data or sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, erasure or destruction;</p>	<p>(3) 'processing' means any operation or set of operations which is performed upon personal data or sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, erasure or destruction;</p>	<p>(3) 'processing' means any operation or set of operations which is performed upon personal data or sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;</p>	<p>(3) 'processing' means any operation or set of operations which is performed upon personal data or sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;</p>
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<i>Article 6</i>	<i>Article 6</i>	<i>Article 6</i>	
<i>Lawfulness of processing</i>	<i>Lawfulness of processing</i>	<i>Lawfulness of processing</i>	
	<i>Amendment 100</i>		
			3. (new) Member States may maintain or introduce more specific provisions to adapt the application of the rules of this Regulation with regard to Article 6(1)(c) and (e) by determining more precisely specific requirements for the processing and other measures to ensure lawful and fair processing including for other specific processing situations as provided for in Chapter IX.
3. The basis of the processing referred to in points (c) and (e) of paragraph 1 must be provided for in:	3. The basis of the processing referred to in points (c) and (e) of paragraph 1 must be provided for in:	3. The basis of for the processing referred to in points (c) and (e) of paragraph 1 must be provided for established in accordance with:	3. The basis for the processing referred to in points (c) and (e) of paragraph 1 must be established in [accordance with]
(a) Union law, or	(a) Union law, or	(a) Union law, or	(a) Union law, or
(b) the law of the Member State to which the controller is subject.	(b) the law of the Member State to which the controller is subject.	(b) national the law of the Member State to which the controller is subject.	(b) the law of the Member State to which the controller is subject.
		<i>The purpose of the processing shall be determined in this legal basis or as regards the processing referred to in point (e) of paragraph 1, be</i>	The purpose of the processing shall be determined in this legal basis or as regards the processing referred to in point (e) of paragraph 1, be

		<p><i>necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. This legal basis may contain specific provisions to adapt the application of rules of this Regulation, inter alia the general conditions governing the lawfulness of data processing by the controller, the type of data which are subject to the processing, the data subjects concerned; the entities to, and the purposes for which the data may be disclosed; the purpose limitation; storage periods and processing operations and processing procedures, including measures to ensure lawful and fair processing, including for other specific processing situations as provided for in Chapter IX.</i></p>	<p>necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. This legal basis may contain specific provisions to adapt the application of rules of this Regulation, inter alia the general conditions governing the lawfulness of data processing by the controller, the type of data which are subject to the processing, the data subjects concerned; the entities to, and the purposes for which the data may be disclosed; the purpose limitation; storage periods and processing operations and processing procedures, including measures to ensure lawful and fair processing, including for other specific processing situations as provided for in Chapter IX.</p>
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SECTION 5 RESTRICTIONS	SECTION 5 RESTRICTIONS	SECTION 5 RESTRICTIONS	
<i>Article 21</i>	<i>Article 21</i>	<i>Article 21</i>	<i>Article 21</i>
<i>Restrictions</i>	<i>Restrictions</i>	<i>Restrictions</i>	<i>Restrictions</i>
	<i>Amendment 116</i>		
1. Union or Member State law may restrict by way of a legislative measure the scope of the obligations and rights provided for in points (a) to (e) of Article 5 and Articles 11 to 20 and Article 32, when such a restriction constitutes a necessary and proportionate measure in a democratic society to safeguard:	1. Union or Member State law may restrict by way of a legislative measure the scope of the obligations and rights provided for in points (a) to (e) of Article 5 and Articles 11 to 20 19 and Article 32, when such a restriction constitutes <i>meets a clearly defined objective of public interest, respects the essence of the right to protection of personal data, is proportionate to the legitimate aim pursued and respects the fundamental rights and interests of the data subject</i> and is a necessary and proportionate measure in a democratic society to safeguard:	1. Union or Member State law <i>to which the data controller or processor is subject</i> may restrict by way of a legislative measure the scope of the obligations and rights provided for in points (a) to (e) of Article 5 and Articles 11-12 to 20 and Article 32, <i>as well as Article 5 in so far as its provisions correspond to the rights and obligations provided for in Articles 12 to 20,</i> when such a restriction constitutes a necessary and proportionate measure in a democratic society to safeguard:	1. Union or Member State law to which the data controller or processor is subject may restrict by way of a legislative measure the scope of the obligations and rights provided for in Articles 12 to 20 and Article 32, as well as Article 5 in so far as its provisions correspond to the rights and obligations provided for in Articles 12 to 20, when such a restriction meets a clearly defined objective of general interest, respects the fundamental rights and interests of the data subject and constitutes a necessary and proportionate measure in a democratic society to safeguard:
		<i>(aa) national security;</i>	(aa) national security;
		<i>(ab) defence;</i>	(ab) defence;

(a) public security;	(a) public security;	(a) public security;	(a) public security;
(b) the prevention, investigation, detection and prosecution of criminal offences;	(b) the prevention, investigation, detection and prosecution of criminal offences;	(b) the prevention, investigation, detection and or prosecution of criminal offences or the execution of criminal penalties or the safeguarding against and the prevention of threats to public security;	(b) the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties or the safeguarding against and the prevention of threats to public security;
(c) other public interests of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, including monetary, budgetary and taxation matters and the protection of market stability and integrity;	(c) other public interests of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, including monetary, budgetary and taxation matters and the protection of market stability and integrity;	(c) other important objectives of general public interests of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, including monetary, budgetary and taxation matters, public health and social security , and the protection of market stability and integrity;	(c) other important objectives of general public interests of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, including monetary, budgetary and taxation matters, public health and social security;
		(ca) the protection of judicial independence and judicial proceedings;	(ca) the protection of judicial independence and judicial proceedings;

(d) the prevention, investigation, detection and prosecution of breaches of ethics for regulated professions;	(d) the prevention, investigation, detection and prosecution of breaches of ethics for regulated professions;	(d) the prevention, investigation, detection and prosecution of breaches of ethics for regulated professions;	(d) the prevention, investigation, detection and prosecution of breaches of ethics for regulated professions;
(e) a monitoring, inspection or regulatory function connected, even occasionally, with the exercise of official authority in cases referred to in (a), (b), (c) and (d);	(e) a monitoring, inspection or regulatory function connected, even occasionally, with in the framework of the exercise of official a competent public authority in cases referred to in (a), (b), (c) and (d);	(e) a monitoring, inspection or regulatory function connected, even occasionally, with the exercise of official authority in cases referred to in (aa), (ab), (a) (b), (c) and (d);	(e) a monitoring, inspection or regulatory function connected, even occasionally, with in the framework of the exercise of official authority in cases referred to in (aa), (ab), (a), (b), (c) and (d);
(f) the protection of the data subject or the rights and freedoms of others.	(f) the protection of the data subject or the rights and freedoms of others.	(f) the protection of the data subject or the rights and freedoms of others;	(f) the protection of the data subject or the rights and freedoms of others;
		(g) the enforcement of civil law claims.	(g) the enforcement of civil law claims.
2. In particular, any legislative measure referred to in paragraph 1 shall contain specific provisions at least as to the objectives to be pursued by the processing and the determination of the controller.	2. In particular, any legislative measure referred to in paragraph 1 must be necessary and proportionate in a democratic society and shall contain specific provisions at least as to the objectives to be pursued by the processing and the determination of the controller.: (a) the objectives to be pursued by the processing;	2. In particular, any legislative measure referred to in paragraph 1 shall contain specific provisions at least, where relevant, as to the purposes of the processing or categories of processing, the categories of personal data, the scope of the restrictions introduced, the specification of the controller or categories of controllers, the storage periods and the applicable safeguards taking	2. In particular, any legislative measure referred to in paragraph 1 shall contain specific provisions at least, where relevant, as to: - the purposes of the processing or categories of processing, - the categories of personal data, - the scope of the restrictions introduced,

	<p><i>(b) the determination of the controller;</i></p> <p><i>(c) the specific purposes and means of processing;</i></p> <p><i>(d) the safeguards to prevent abuse or unlawful access or transfer;</i></p> <p><i>(e) the right of data subjects to be informed about the restriction.</i></p>	<p><i>into account the nature, scope and purposes of the processing or categories of processing and the risks for the rights and freedoms of data subjects.</i></p>	<ul style="list-style-type: none"> - the safeguards to prevent abuse or unlawful access or transfer; - the specification of the controller or categories of controllers, - the storage periods and the applicable safeguards taking into account the nature, scope and purposes of the processing or categories of processing and - the risks for the rights and freedoms of data subjects; [- the possibility for data subjects to request a general indication about the reasons for and the extent of the restriction].
	<p><i>2a. Legislative measures referred to in paragraph 1 shall neither permit nor oblige private controllers to retain data additional to those strictly necessary for the original purpose.</i></p>		

CHAPTER IX PROVISIONS RELATING TO SPECIFIC DATA PROCESSING SITUATIONS	CHAPTER IX PROVISIONS RELATING TO SPECIFIC DATA PROCESSING SITUATIONS	CHAPTER IX PROVISIONS RELATING TO SPECIFIC DATA PROCESSING SITUATIONS	CHAPTER IX PROVISIONS RELATING TO SPECIFIC DATA PROCESSING SITUATIONS
<i>Article 80</i>	<i>Article 80</i>	<i>Article 80</i>	<i>Article 80</i>
<i>Processing of personal data and freedom of expression</i>	<i>Processing of personal data and freedom of expression</i>	<i>Processing of personal data and freedom of expression <u>and</u> <u>information</u></i>	<i>Processing of personal data and freedom of expression and information</i>
1. Member States shall provide for exemptions or derogations from the provisions on the general principles in Chapter II, the rights of the data subject in Chapter III, on controller and processor in Chapter IV, on the transfer of personal data to third countries and international organisations in Chapter V, the independent supervisory authorities in Chapter VI and on co-operation and consistency in Chapter VII for the processing of personal data carried out solely for journalistic purposes or the purpose of artistic	1. Member States shall provide for exemptions or derogations from the provisions on the general principles in Chapter II, the rights of the data subject in Chapter III, on controller and processor in Chapter IV, on the transfer of personal data to third countries and international organisations in Chapter V, the independent supervisory authorities in Chapter VI, on co-operation and consistency in Chapter VII for the processing of personal data carried out solely for journalistic purposes or the purpose of artistic or literary	1. <i>The national law of the</i> Member States shall provide for exemptions or derogations from the provisions on the general principles in Chapter II, reconcile the rights of the data subject in Chapter III, on controller and processor in Chapter IV, on to the transfer <i>protection</i> of personal data <i>pursuant to this Regulation</i> to third countries and international organisations in Chapter V, the independent supervisory authorities in Chapter VI and on co-operation and consistency in Chapter VII for <i>with the right to freedom of</i>	1. The national law of the Member State shall reconcile the right to the protection of personal data pursuant to this Regulation with the right to freedom of expression and information, including the processing of personal data for journalistic purposes and the purposes of academic, artistic or literary expression.

or literary expression in order to reconcile the right to the protection of personal data with the rules governing freedom of expression.	expression and specific data processing situations in this Chapter IX whenever this is necessary in order to reconcile the right to the protection of personal data with the rules governing freedom of expression <i>in accordance with the Charter of Fundamental Rights of the European Union.</i>	<i>expression and information, including</i> the processing of personal data carried out solely for journalistic purposes and or the purposes of <i>academic</i> , artistic or literary expression in order to reconcile the right to the protection of personal data with the rules governing freedom of expression.	
2. Each Member State shall notify to the Commission those provisions of its law which it has adopted pursuant to paragraph 1 by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment law or amendment affecting them.	2. Each Member State shall notify to the Commission those provisions of its law which it has adopted pursuant to paragraph 1 by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment law or amendment affecting them.	2. For the processing of personal data carried out for journalistic purposes or the purpose of academic artistic or literary expression, Member States shall provide for exemptions or derogations from the provisions in Chapter II (principles), Chapter III (rights of the data subject), Chapter IV (controller and processor), Chapter V (transfer of personal data to third countries or international organizations), Chapter VI (independent supervisory authorities), Chapter VII (co-operation and consistency) if they are necessary to reconcile the right to the protection of personal data with the freedom of expression and information.	2. For the processing of personal data carried out for journalistic purposes or the purpose of academic artistic or literary expression, Member States shall provide for exemptions or derogations from the provisions in Chapter II (principles), Chapter III (rights of the data subject), Chapter IV (controller and processor), Chapter V (transfer of personal data to third countries or international organizations), Chapter VI (independent supervisory authorities), and Chapter VII (co-operation and consistency) if they are necessary to reconcile the right to the protection of personal data with the freedom of expression and information.

	<i>Amendment 190</i>		
	<i>Article 80a (new)</i>		
	<i>Access to documents</i>		
	<p><i>1. Personal data in documents held by a public authority or a public body may be disclosed by this authority or body in accordance with Union or Member State legislation regarding public access to official documents, which reconciles the right to the protection of personal data with the principle of public access to official documents.</i></p>		
	<p><i>2. Each Member State shall notify to the Commission provisions of its law which it adopts pursuant to paragraph 1 by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.</i></p>		

		<i>Article 80a</i>	<i>Article 80a</i>
		<i>Processing of personal data and public access to official documents</i>	<i>Processing of personal data and public access to official documents</i>
		<i>Personal data in official documents held by a public authority or a public body or a private body for the performance of a task carried out in the public interest may be disclosed by the authority or body in accordance with Union law or Member State law to which the public authority or body is subject in order to reconcile public access to official documents with the right to the protection of personal data pursuant to this Regulation.</i>	Personal data in official documents held by a public authority or a public body or a private body for the performance of a task carried out in the public interest may be disclosed by the authority or body in accordance with Union law or Member State law to which the public authority or body is subject in order to reconcile public access to official documents with the right to the protection of personal data pursuant to this Regulation.
		<i>Article 80aa</i>	<i>Article 80aa</i>
		<i>Processing of personal data and reuse of public sector information</i>	<i>Processing of personal data and reuse of public sector information</i>
		<i>Personal data in public sector information held by a public authority or a public body or a private body for the performance of a task carried out in the public interest may be disclosed by the</i>	

		<i>authority or body in accordance with Union law or Member State law to which the public authority or body is subject in order to reconcile the reuse of such official documents and public sector information with the right to the protection of personal data pursuant to this Regulation.</i>	
		<i>Article 80b</i>	<i>Article 80b</i>
		<i>Processing of national identification number</i>	<i>Processing of national identification number</i>
		<i>Member States may determine the specific conditions for the processing of a national identification number or any other identifier of general application. In this case the national identification number or any other identifier of general application shall be used only under appropriate safeguards for the rights and freedoms of the data subject pursuant to this Regulation.</i>	Member States may determine the specific conditions for the processing of a national identification number or any other identifier of general application. In this case the national identification number or any other identifier of general application shall be used only under appropriate safeguards for the rights and freedoms of the data subject pursuant to this Regulation.

<i>Article 81</i>	<i>Article 81</i>	<i>Article 81</i>	<i>Article 81</i>
<i>Processing of personal data concerning health</i>	<i>Processing of personal data concerning health</i>	<i>Processing of personal data concerning for health- related purposes</i>	<i>Processing of personal data for health- related purposes</i>
	<i>Amendment 191</i>		
1. Within the limits of this Regulation and in accordance with point (h) of Article 9(2), processing of personal data concerning health must be on the basis of Union law or Member State law which shall provide for suitable and specific measures to safeguard the data subject's legitimate interests, and be necessary for:	1. Within the limits of <i>In accordance with the rules set out in this Regulation and in accordance, in particular</i> with point (h) of Article 9(2), processing of personal data concerning health must be on the basis of Union law or Member State law which shall provide for suitable, <i>consistent,</i> and specific measures to safeguard the data subject's legitimate interests, and be <i>fundamental rights, to the extent that these are necessary and proportionate, and of which the effects shall be foreseeable by the data subject,</i> for:	<i>deleted</i>	<i>deleted</i>

(a) the purposes of preventive or occupational medicine, medical diagnosis, the provision of care or treatment or the management of health-care services, and where those data are processed by a health professional subject to the obligation of professional secrecy or another person also subject to an equivalent obligation of confidentiality under Member State law or rules established by national competent bodies; or	(a) the purposes of preventive or occupational medicine, medical diagnosis, the provision of care or treatment or the management of health-care services, and where those data are processed by a health professional subject to the obligation of professional secrecy or another person also subject to an equivalent obligation of confidentiality under Member State law or rules established by national competent bodies; or	<i>deleted</i>	<i>deleted</i>
(b) reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety, inter alia for medicinal products or medical devices; or	(b) reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety, inter alia for medicinal products or medical devices, <i>and if the processing is carried out by a person bound by a confidentiality obligation;</i> or	<i>deleted</i>	<i>deleted</i>

(c) other reasons of public interest in areas such as social protection, especially in order to ensure the quality and cost-effectiveness of the procedures used for settling claims for benefits and services in the health insurance system.	(c) other reasons of public interest in areas such as social protection, especially in order to ensure the quality and cost-effectiveness of the procedures used for settling claims for benefits and services in the health insurance system <i>and the provision of health services. Such processing of personal data concerning health for reasons of public interest shall not result in data being processed for other purposes, unless with the consent of the data subject or on the basis of Union or Member State law.</i>	<i>deleted</i>	<i>deleted</i>
	<i>1a. When the purposes referred to in points (a) to (c) of paragraph 1 can be achieved without the use of personal data, such data shall not be used for those purposes, unless based on the consent of the data subject or Member State law.</i>		

	<p><i>1b. Where the data subject's consent is required for the processing of medical data exclusively for public health purposes of scientific research, the consent may be given for one or more specific and similar researches. However, the data subject may withdraw the consent at any time.</i></p>		
	<p><i>1c. For the purpose of consenting to the participation in scientific research activities in clinical trials, the relevant provisions of Directive 2001/20/EC of the European Parliament and of the Council¹ shall apply.</i></p> <p><i>¹ Directive 2001/20/EC of the European Parliament and of the Council of 4 April 2001 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the implementation of good clinical practices in the conduct of clinical trials on medicinal products for human use (OJ L121, 1.5.2001, p.34)</i></p>		

2. Processing of personal data concerning health which is necessary for historical, statistical or scientific research purposes, such as patient registries set up for improving diagnoses and differentiating between similar types of diseases and preparing studies for therapies, is subject to the conditions and safeguards referred to in Article 83.	2. Processing of personal data concerning health which is necessary for historical, statistical or scientific research purposes, such as patient registries set up for improving diagnoses and differentiating between similar types of diseases and preparing studies for therapies, is <i>shall be permitted only with the consent of the data subject, and shall be</i> subject to the conditions and safeguards referred to in Article 83.	<i>deleted</i>	<i>deleted</i>
	<i>2a. Member States law may provide for exceptions to the requirement of consent for research, as referred to in paragraph 2, with regard to research that serves a high public interest, if that research cannot possibly be carried out otherwise. The data in question shall be anonymised, or if that is not possible for the research purposes, pseudonymised under the highest technical standards, and all necessary measures shall be taken to prevent unwarranted re-identification of the data subjects. However, the data subject shall have the right to object at any time in accordance with Article 19.</i>		

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying other reasons of public interest in the area of public health as referred to in point (b) of paragraph 1, as well as criteria and requirements for the safeguards for the processing of personal data for the purposes referred to in paragraph 1.	3. 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 other reasons of public interest in the area of public health as referred to in point (b) of paragraph 1, as well as criteria and requirements for the safeguards for the processing of personal data for the purposes referred to in paragraph 1 <i>and high public interest in the area of research as referred to in paragraph 2a.</i>	<i>deleted</i>	<i>deleted</i>
	<i>3a. Each Member State shall notify to the Commission those provisions of its law which it adopts pursuant to paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.</i>		

<i>Article 82</i>	<i>Article 82</i>	<i>Article 82</i>	<i>Article 82</i>
<i>Processing in the employment context</i>	<i>Minimum standards for processing data in the employment context</i>	<i>Processing in the employment context</i>	<i>Processing in the employment context</i>
	<i>Amendment 192</i>		
1. Within the limits of this Regulation, Member States may adopt by law specific rules regulating the processing of employees' personal data in the employment context, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law or by collective agreements, management, planning and organisation of work, health and safety at work, and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment relationship.	1. Within the limits of this Regulation, Member States may, in accordance with the rules set out in this Regulation, and taking into account the principle of proportionality, adopt by law legal provisions specific rules regulating the processing of employees' personal data in the employment context, in particular for but not limited to the purposes of the recruitment and job applications within the group of undertakings, the performance of the contract of employment, including discharge of obligations laid down by law or and by collective agreements, in accordance with national law and practice, management, planning and organisation of work, health and safety at work, and for the purposes of the exercise and	1. Within the limits of this Regulation, Member States may adopt by law specific rules or by collective agreements, provide for more specific rules to ensure the protection of the rights and freedoms in respect of regulating the processing of employees' personal data in the employment context, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law or by collective agreements, management, planning and organisation of work, equality and diversity in the workplace, health and safety at work, protection of employer's or customer's property and for the purposes of the exercise and enjoyment, on an individual or	1. Member States may, by law or by collective agreements, provide for more specific rules to ensure the protection of the rights and freedoms in respect of the processing of employees' personal data in the employment context, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law or by collective agreements, management, planning and organisation of work, equality and diversity in the workplace, health and safety at work, protection of employer's or customer's property and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination

	<p>enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment relationship. <i>Member States may allow for collective agreements to further specify the provisions set out in this Article.</i></p>	<p>collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment relationship.</p>	<p>of the employment relationship.</p>
	<p><i>1a. The purpose of processing such data must be linked to the reason it was collected for and stay within the context of employment. Profiling or use for secondary purposes shall not be allowed.</i></p>		<p>2. These rules shall include suitable and specific measures to safeguard the data subject's human dignity, legitimate interests and fundamental rights, with particular regard to the transparency of processing, the transfer of data within a group of undertakings or group of enterprises and monitoring at the work place.</p>
	<p><i>1b. Consent of an employee shall not provide a legal basis for the processing of data by the employer when the consent has not been given freely.</i></p>		

	<i>1c. Notwithstanding the other provisions of this Regulation, the legal provisions of Member States referred to in paragraph 1 shall include at least the following minimum standards:</i>		
	<i>(a) the processing of employee data without the employees' knowledge shall not be permitted. Notwithstanding the first sentence, Member States may, by law, provide for the admissibility of this practice, by setting appropriate deadlines for the deletion of data, providing there exists a suspicion based on factual indications that must be documented that the employee has committed a crime or serious dereliction of duty in the employment context, providing also the collection of data is necessary to clarify the matter and providing finally the nature and extent of this data collection are necessary and proportionate to the purpose for which it is intended. The privacy and private lives of employees shall be protected at all times. The investigation shall be carried out by the competent authority;</i>		

	<i>(b) the open optical-electronic and/or open acoustic-electronic monitoring of parts of an undertaking which are not accessible to the public and are used primarily by employees for private activities, especially in bathrooms, changing rooms, rest areas, and bedrooms, shall be prohibited. Clandestine surveillance shall be inadmissible under all circumstances;</i>		
	<i>(c) where undertakings or authorities collect and process personal data in the context of medical examinations and/or aptitude tests, they must explain to the applicant or employee beforehand the purpose for which these data are being used, and ensure that afterwards they are provided with these those data together with the results, and that they receive an explanation of their significance on request. Data collection for the purpose of genetic testing and analyses shall be prohibited as a matter of principle;</i>		

	<p><i>(d) whether and to what extent the use of telephone, e-mail, internet and other telecommunications services shall also be permitted for private use may be regulated by collective agreement. Where there is no regulation by collective agreement, the employer shall reach an agreement on this matter directly with the employee. In so far as private use is permitted, the processing of accumulated traffic data shall be permitted in particular to ensure data security, to ensure the proper operation of telecommunications networks and telecommunications services and for billing purposes.</i></p>		
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	<p><i>Notwithstanding the third sentence, Member States may, by law, provide for the admissibility of this practice, by setting appropriate deadlines for the deletion of data, providing there exists a suspicion based on factual indications that must be documented that the employee has committed a crime or serious dereliction of duty in the employment context, providing also the collection of data is necessary to clarify the matter and providing finally the nature and extent of this data collection are necessary and proportionate to the purpose for which it is intended. The privacy and private lives of employees shall be protected at all times. The investigation shall be carried out by the competent authority;</i></p>		
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	<p><i>(e) workers' personal data, especially sensitive data such as political orientation and membership of and activities in trade unions, may under no circumstances be used to put workers on so-called 'blacklists', and to vet or bar them from future employment. The processing, the use in the employment context, the drawing-up and passing-on of blacklists of employees or other forms of discrimination shall be prohibited. Member States shall conduct checks and adopt adequate sanctions in accordance with Article 79(6) to ensure effective implementation of this point.</i></p>		
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	<p><i>1d. Transmission and processing of personal employee data between legally independent undertakings within a group of undertakings and with professionals providing legal and tax advice shall be permitted, providing it is relevant to the operation of the business and is used for the conduct of specific operations or administrative procedures and is not contrary to the interests and fundamental rights of the person concerned which are worthy of protection. Where employee data are transmitted to a third country and/or to an international organization, Chapter V shall apply.</i></p>		
<p>2. Each Member State shall notify to the Commission those provisions of its law which it adopts pursuant to paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.</p>	<p>2. Each Member State shall notify to the Commission those provisions of its law which it adopts pursuant to paragraph paragraphs 1 and 1b, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.</p>	<p>2. Each Member State shall notify to the Commission those provisions of its law which it adopts pursuant to paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.</p>	<p>2. Each Member State shall notify to the Commission those provisions of its law which it adopts pursuant to paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.</p>

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 safeguards for the processing of personal data for the purposes referred to in paragraph 1.	3. The Commission shall be empowered, <i>after requesting an opinion from the European Data Protection Board</i> , to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and requirements for the safeguards for the processing of personal data for the purposes referred to in paragraph 1.	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 safeguards for the processing of personal data for the purposes referred to in paragraph 1. <i>Member States may by law determine the conditions under which personal data in the employment context may be processed on the basis of the consent of the employee.</i>	3. Member States may by law determine the conditions under which personal data in the employment context may be processed on the basis of the consent of the employee.
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	<i>Amendment 193</i>		
	<i>Article 82a</i>		<i>Article 82a</i>
	<i>Processing in the social security context</i>		<i>Processing in the social security context</i>
	<i>1. Member States may, in accordance with the rules set out in this Regulation, adopt specific legislative rules particularising the conditions for the processing of personal data by their public institutions and departments in the social security context if carried out in the public interest.</i>		
	<i>2. Each Member State shall notify to the Commission those provisions which it adopts pursuant to paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.</i>		

<i>Article 83</i>	<i>Article 83</i>	<i>Article 83</i>	<i>Article 83</i>
<i>Processing for historical, statistical and scientific research purposes</i>	<i>Processing for historical, statistical and scientific research purposes</i>	<i><u>Derogations applying to processing of personal data for archiving purposes in the public interest or for, historical, statistical and scientific, research statistical and historical purposes</u></i>	<i>Derogations applying to processing of personal data for archiving purposes in the public interest or for, scientific, statistical and historical purposes</i>
	<i>Amendment 194</i>		
1. Within the limits of this Regulation, personal data may be processed for historical, statistical or scientific research purposes only if:	1. Within the limits of <i>In accordance with the rules set out in</i> this Regulation, personal data may be processed for historical, statistical or scientific research purposes only if:	1. Within the limits of this Regulation, <i>Where</i> personal data may be <i>are</i> processed for scientific, statistical or historical, statistical or scientific research purposes only if <i>Union or Member State law may, subject to appropriate safeguards for the rights and freedoms of the data subject, provide for derogations from Articles 14a(1) and (2), 15, 16, 17, 17a, 17b, 18 and 19, insofar as such derogation is necessary for the fulfilment of the specific purposes.</i>	1. Where personal data are processed for scientific, statistical or historical purposes, Union or Member State law may, subject to appropriate safeguards for the rights and freedoms of the data subject, provide for derogations from Articles 14a(1) and (2), 15, 16, 17, 17a, 17b, 18 and 19, insofar as such derogation is necessary for the fulfilment of the specific purposes.

(a) these purposes cannot be otherwise fulfilled by processing data which does not permit or not any longer permit the identification of the data subject;	(a) these purposes cannot be otherwise fulfilled by processing data which does not permit or not any longer permit the identification of the data subject;	<i>deleted</i>	<i>deleted</i>
		<i>1a. Where personal data are processed for archiving purposes in the public interest, Union or Member State law may, subject to appropriate safeguards for the rights and freedoms of the data subject, provide for derogations from Articles 14a(1) and (2), 15, 16, 17, 17a, 17b, 18, 19, 23, 32, 33 and 53 (1b)(d) and (e), insofar as such derogation is necessary for the fulfilment of these purposes.</i>	1a. Where personal data are processed for archiving purposes in the public interest, Union or Member State law may, subject to appropriate safeguards for the rights and freedoms of the data subject, provide for derogations from Articles 14a(1) and (2), 15, 16, 17, 17a, 17b, 18, 19, 23, 32, 33 and 53 (1b)(d) and (e), insofar as such derogation is necessary for the fulfilment of these purposes.
(b) data enabling the attribution of information to an identified or identifiable data subject is kept separately from the other information as long as these purposes can be fulfilled in this manner.	(b) data enabling the attribution of information to an identified or identifiable data subject is kept separately from the other information as long as these purposes can be fulfilled in this manner <i>under the highest technical standards, and all necessary measures are taken to prevent unwarranted re-identification of the data subjects.</i>	<i>deleted</i>	

		<i>1b. In case a type of processing referred to in paragraphs 1 and 1a serves at the same time another purpose, the derogations allowed for apply only to the processing for the purposes referred to in those paragraphs</i>	1b. In case a type of processing referred to in paragraphs 1 and 1a serves at the same time another purpose, the derogations allowed for apply only to the processing for the purposes referred to in those paragraphs.
2. Bodies conducting historical, statistical or scientific research may publish or otherwise publicly disclose personal data only if:	<i>deleted</i>	2. Bodies conducting historical, statistical or scientific research may publish or otherwise publicly disclose personal data only if: <i>The appropriate safeguards referred to in paragraphs 1 and 1a shall be laid down in Union or Member State law and be such to ensure that technological and/or organisational protection measures pursuant to this Regulation are applied to the personal data, to minimise the processing of personal data in pursuance of the proportionality and necessity principles, such as pseudonymising the data, unless those measures prevent achieving the purpose of the processing and such purpose cannot be otherwise fulfilled within reasonable means.</i>	2. The appropriate safeguards referred to in paragraphs 1 and 1a shall be laid down in Union or Member State law and be such to ensure that technological and/or organisational protection measures pursuant to this Regulation are applied to the personal data, to minimise the processing of personal data in pursuance of the proportionality and necessity principles. These safeguards shall also include pseudonymising the data, processing of data which does not permit or not any longer permit the identification of the data subject, or when data enabling the attribution of information to an identified or identifiable data subject is kept separately from the other information as long as these purposes cannot be otherwise fulfilled within reasonable means.

(a) the data subject has given consent, subject to the conditions laid down in Article 7;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
(b) the publication of personal data is necessary to present research findings or to facilitate research insofar as the interests or the fundamental rights or freedoms of the data subject do not override these interests; or	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
(c) the data subject has made the data public.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
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 processing of personal data for the purposes referred to in paragraph 1 and 2 as well as any necessary limitations on the rights of information to and access by the data subject and detailing the conditions and safeguards for the rights of the data subject under these circumstances.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

	<i>Amendment 195</i>		
	<i>Article 83a</i>		
	<i>Processing of personal data by archive services</i>		
	<p><i>1. Once the initial processing for which they were collected has been completed, personal data may be processed by archive services whose main or mandatory task is to collect, conserve, provide information about, exploit and disseminate archives in the public interest, in particular in order to substantiate individuals' rights or for historical, statistical or scientific research purposes. These tasks shall be carried out in accordance with the rules laid down by Member States concerning access to and the release and dissemination of administrative or archive documents and in accordance with the rules set out in this Regulation, specifically with regard to consent and the right to object.</i></p>		

	<p><i>2. Each Member State shall notify to the Commission provisions of its law which it adopts pursuant to paragraph 1 by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.</i></p>		
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<i>Article 84</i>	<i>Article 84</i>	<i>Article 84</i>	<i>Article 84</i>
<i>Obligations of secrecy</i>	<i>Obligations of secrecy</i>	<i>Obligations of secrecy</i>	<i>Obligations of secrecy</i>
	<i>Amendment 196</i>		
<p>1. Within the limits of this Regulation, Member States may adopt specific rules to set out the investigative powers by the supervisory authorities laid down in Article 53(2) in relation to controllers or processors that are subjects under national law or rules established by national competent bodies to an obligation of professional secrecy or other equivalent obligations of secrecy, where this is necessary and proportionate to reconcile the right of the protection of personal data with the obligation of secrecy. These rules shall only apply with regard to personal data which the controller or processor has received from or has obtained in an activity covered by this obligation of secrecy.</p>	<p>1. Within the limits of this Regulation, Member States may adopt <i>shall ensure that</i> specific rules to set <i>are in place</i> setting out the investigative powers by the supervisory authorities laid down in Article 53(2) in relation to controllers or processors that are subjects under national law or rules established by national competent bodies to an obligation of professional secrecy or other equivalent obligations of secrecy, where this is necessary and proportionate to reconcile the right of the protection of personal data with the obligation of secrecy. These rules shall only apply with regard to personal data which the controller or processor has received from or has obtained in an activity covered by this obligation of secrecy.</p>	<p>1. Within the limits of this Regulation, Member States may adopt specific rules to set out the investigative powers by the supervisory authorities laid down in <i>points (da) and (db) of</i> Article 53(2) in relation to controllers or processors that are subjects under national <i>Union or Member State</i> law or rules established by national competent bodies to an obligation of professional secrecy or other equivalent obligations of secrecy <i>or to a code of professional ethics supervised and enforced by professional bodies</i>, where this is necessary and proportionate to reconcile the right of the protection of personal data with the obligation of secrecy. These rules shall only apply with regard to personal data which the controller or processor has received from or has obtained in an activity covered by this obligation of secrecy.</p>	<p>Member States may adopt specific rules to set out the powers by the supervisory authorities laid down in points (da) and (db) of Article 53(1) in relation to controllers or processors that are subjects under Union or Member State law or rules established by national competent bodies to an obligation of professional secrecy or other equivalent obligations of secrecy or to a code of professional ethics supervised and enforced by professional bodies, where this is necessary and proportionate to reconcile the right of the protection of personal data with the obligation of secrecy. These rules shall only apply with regard to personal data which the controller or processor has received from or has obtained in an activity covered by this obligation of secrecy.</p>

2. Each Member State shall notify to the Commission the rules adopted pursuant to paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.	2. Each Member State shall notify to the Commission the rules adopted pursuant to paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.	2. Each Member State shall notify to the Commission the rules adopted pursuant to paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.	2. Each Member State shall notify to the Commission the rules adopted pursuant to paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.
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<i>Article 85</i>	<i>Article 85</i>	<i>Article 85</i>	<i>Article 85</i>
<i>Existing data protection rules of churches and religious associations</i>	<i>Existing data protection rules of churches and religious associations</i>	<i>Existing data protection rules of churches and religious associations</i>	<i>Existing data protection rules of churches and religious associations</i>
1. Where in a Member State, churches and religious associations or communities apply, at the time of entry into force of this Regulation, comprehensive rules relating to the protection of individuals with regard to the processing of personal data, such rules may continue to apply, provided that they are brought in line with the provisions of this Regulation.	1. Where in a Member State, churches and religious associations or communities apply, at the time of entry into force of this Regulation, comprehensive adequate rules relating to the protection of individuals with regard to the processing of personal data, such rules may continue to apply, provided that they are brought in line with the provisions of this Regulation.	1. Where in a Member State, churches and religious associations or communities apply, at the time of entry into force of this Regulation, comprehensive rules relating to the protection of individuals with regard to the processing of personal data, such rules may continue to apply, provided that they are brought in line with the provisions of this Regulation.	1. Where in a Member State, churches and religious associations or communities apply, at the time of entry into force of this Regulation, comprehensive rules relating to the protection of individuals with regard to the processing of personal data, such rules may continue to apply, provided that they are brought in line with the provisions of this Regulation.
2. Churches and religious associations which apply comprehensive rules in accordance with paragraph 1 shall provide for the establishment of an independent supervisory authority in accordance with Chapter VI of this Regulation.	2. Churches and religious associations which apply comprehensive adequate rules in accordance with paragraph 1 shall provide for the establishment of an independent supervisory authority in accordance with Chapter VI of this Regulation obtain a compliance opinion pursuant to Article 38.	2. Churches and religious associations which apply comprehensive rules in accordance with paragraph 1, shall be subject to the control provide for the establishment of an independent supervisory authority which may be specific, provided that fulfils the conditions laid down in accordance with Chapter VI of this Regulation.	2. Churches and religious associations which apply comprehensive rules in accordance with paragraph 1, shall be subject to the control of an independent supervisory authority which may be specific, provided that fulfils the conditions laid down in Chapter VI of this Regulation.

	<i>Amendment 198</i>		
	<i>Article 85a (new)</i>		
	<i>Respect of fundamental rights</i>		
	<i>This Regulation shall not have the effect of modifying the obligation to respect fundamental rights and fundamental legal principles as enshrined in Article 6 of the TEU.</i>		
	<i>Amendment 199</i>		
	<i>Article 85b (new)</i>		
	<i>Standard Forms</i>		
	<i>1. The Commission may, taking into account the specific features and necessities of various sectors and data processing situations, lay down standard forms for:</i>		
	<i>(a) specific methods to obtain verifiable consent referred to in Article 8(1),</i>		
	<i>(b) the communication referred to in Article 12(2), including the electronic format,</i>		

	<i>(c) providing the information referred to in paragraphs 1 to 3 of Article 14,</i>		
	<i>(d) requesting and granting access to the information referred to in Article 15(1), including for communicating the personal data to the data subject,</i>		
	<i>(e) documentation referred to in paragraph 1 of Article 28,</i>		
	<i>(f) breach notifications pursuant to Article 31 to the supervisory authority and the documentation referred to in Article 31(4),</i>		
	<i>(g) prior consultations referred to in Article 34, and for informing the supervisory authorities pursuant to Article 34(6).</i>		
	<i>2. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized enterprises.</i>		

	<i>3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).</i>		
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