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NOTE

From: Presidency

To: Delegations

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Subject: Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation)
- Chapter IX - Presidency debriefing on the outcome of the trilogue on 17 November

1. On 17th November 2015, the representatives of the Council, the European Parliament and the Commission discussed in a trilogue on the General Data Protection Regulation the provisions related to chapter IX on provisions relating to specific data processing situations on General Provisions. The Presidency's interventions were based on the Council's General Approach and the discussions that took place in the Friends of Presidency DAPIX meeting of 27th October 2015, and in the JHA Counsellors meetings of 5th November 2015.

Tentative solutions could be found on a number of provisions. These are indicated in the 4th column. While on a significant amount of issues the Council's General Approach could be maintained, the positions of the co-legislators are diverging on some remaining provisions. Following the oral debriefing provided by the Presidency at the JHA Counsellors meeting of 18th November 2015, the Presidency intends to rediscuss some of these elements in the context of COREPER on 26th November 2015.

2. As regards Article 80 on the processing of personal data and freedom of expression and information, the European Parliament could accept the Council's General Approach on the condition that a reference to chapter IX is added in Article 80(2), and that a third paragraph is added obliging Member States to notify to the Commission those provisions of its law which it has adopted pursuant to Article 80(1). The Presidency suggests to accept the additional reference to Chapter IX in Article 80(2).
3. The European Parliament insists on a provision obliging Member States to notify to the Commission those provisions of its law which is had adopted pursuant to Article 80(1), Article 80a and Article 80b by the date of entry into force of the Regulation at the latest. While the Presidency has resisted such insertions, delegations are invited to consider a more open formulation for these articles, for instance: "*Each Member State shall notify to the Commission the legislative basis, which is necessary to comply with [Article 80(1) / Article 80a / Article 80b].*"
4. The European Parliament rejects Article 80aa on the processing of personal data and re-use of public sector information, indicating that this is not about reconciling two fundamental rights and that Directive 2013/37/EC applies in any case. This Directive clarifies that the rules on data protection set out by Directive 1995 are in no way affected by the Directive on re-use of public sector information. This is reflected in recital (121a) of the Council's General Approach. Delegations are invited to consider deleting Article 80aa, while keeping, and possibly strengthening, recital (121a).
5. Concerning Article 80b on processing of a national identification number, the co-legislators tentatively agreed to allow Member States to "*further determine*" specific conditions for the processing of a national identification number.

6. As regards Article 82 on processing in the employment context, the European Parliament could accept the Council's General Approach on the condition to add a paragraph reflecting the essence of the European Parliament's more detailed approach. Such paragraph could read, subject to possible redrafting: *"1a. 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 systems at the work place."*
7. As regards Article 83, the European Parliament insists on introducing safeguards for all processing for scientific, statistical and historic research purposes, and for archiving purposes, and rejects the possibility of derogations as foreseen in Article 83(1) and (1a) in the Council's General Approach. The European Parliament does not insist on a mandatory provision which types of safeguards have to be in place, but could accept an indication ("may"). Considering the references to Article 83 elsewhere in the Regulation, the Presidency considers that there is flexibility in Council to accept that safeguards have to be in place for processing for archiving purposes in the public interest, and for scientific, statistical and historical purposes. Moreover, delegations are invited to reflect on the necessity of referring to all the derogations in Article 83, considering that Articles 14a, 17 and 19 already contain such derogations, and considering Article 21 which allows Member States to restrict all Articles listed for an important objective of general public interest.
8. In relation to Article 83, the European Parliament is open to have an explicit reference to the Holocaust in recital (125b) while rejecting a quotation from a Council Resolution.
9. Concerning Article 84 relating to obligations of secrecy, the co-legislators tentatively agreed to maintain the Council's General Approach while deleting the reference to *"a code of professional ethics, supervised and enforced by professional bodies"*.
10. As regards Article 85 relating to churches and religious associations, the Council's General Approach could be maintained.

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

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

COM (2012)0011	EP Position / First Reading	Council General Approach (15/06/2015)	Presidency compromise Proposals
		<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</i></p>	<p><i>To be re-discussed on the basis of Presidency suggestion:</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</p>

		<i>conduct a business, the right to an effective remedy and to a fair trial as well as cultural, religious and linguistic diversity.</i>	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.
(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.	(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>	<i>(18) deleted</i>	

		<p><i>(31a) Wherever this Regulation refers to a legal basis or a legislative measure, this does not necessarily require a legislative act adopted by a parliament, without prejudice to requirements pursuant the constitutional order of the Member State concerned, however such legal basis or legislative measure should be clear and precise and its application foreseeable for those subject to it as required by the case law of the Court of Justice of the European Union and the European Court of Human Rights.</i></p>	<p><i>To be re-discussed on the basis of Presidency suggestion:</i></p> <p>(31a) Wherever this Regulation refers to a legal basis or a legislative measure, this does not necessarily require a legislative act adopted by a parliament, without prejudice to requirements pursuant the constitutional order of the Member State concerned, however such legal basis or legislative measure should be clear and precise and its application foreseeable for those subject to it as required by the case law of the Court of Justice of the European Union and the European Court of Human Rights.</p>
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		<p><i>(35a) This Regulation provides for general rules on data protection and that in specific cases Member States are also empowered to lay down national rules on data protection. The Regulation does therefore not exclude Member State law that defines the circumstances of specific processing situations, including determining more precisely the conditions under which processing of personal data is lawful. National law may also provide for special processing conditions for specific sectors and for the processing of special categories of data.</i></p>	<p><i>To be re-discussed on the basis of Presidency suggestion:</i></p> <p><i>(35a) This Regulation provides for general rules on data protection and that in specific cases Member States are also empowered to lay down national rules on data protection. The Regulation does therefore not exclude Member State law that defines the circumstances of specific processing situations, including determining more precisely the conditions under which processing of personal data is lawful. National law may also provide for special processing conditions for specific sectors and for the processing of special categories of data.</i></p>
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		<p><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></p>	<p><i>To be re-discussed on the basis of Presidency suggestion:</i></p> <p>(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>
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<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 the controller and processor, on the transfer of data to third countries or international organisations, on</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</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</p>	<p><i>To be re-discussed on the basis of Presidency suggestion:</i></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</p>
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the independent supervisory authorities 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.

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 **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

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 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~~

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. 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>undertaken for profit-making or for non-profit making purposes.</p>	<p>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. <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</p>	<p><i>To be re-discussed on the basis of Presidency suggestion:</i></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</p>
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		<p>Parliament and of the Council of 17 November 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>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 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	(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>

<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>	<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><i>^{1b} 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 and the social security context. Therefore, in order Member States should be able to regulate the processing of employees' personal data in the employment and the processing of personal data in the social security context in accordance with the rules and minimum standards set out in, Member States should be able, within the limits of this Regulation, to adopt by law specific rules for. 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</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><i>To be re-discussed on the basis of Presidency suggestion:</i></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^{an} employment-sector <i>context may also be regulated by such an agreement.</i></i></p> <hr/> <p>¹ <i>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</i> in order 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,</i></p>	<p><i>To be re-discussed:</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</p>
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		<p><i>restriction of processing 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>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 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>
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	<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 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></p>		
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		<p><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 facilitate scientific research, personal data can be processed for scientific purposes subject to appropriate conditions and safeguards set out in</i></p>	<p><i>To be re-discussed:</i></p> <p>(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 facilitate scientific research, personal data</p>
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		<p><i>Member State or Union law. Hence consent from the data subject should not be necessary for each further processing for scientific purposes.</i></p>	<p>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.</p>
		<p><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,</i></p>	<p><i>Tentative agreement in trilogue:</i></p> <p>(125b) 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, 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</p>

		<p><i>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.</i></p>	<p>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, in particular the Holocaust, 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</i></p>	<p><i>To be re-discussed:</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,</p>
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		<i>general rules of this Regulation should apply in view of those measures.</i>	the general rules of this Regulation should apply in view of those measures.
		<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>	<i>To be re-discussed on the basis of Presidency suggestion:</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>	<i>To be re-discussed on the basis of Presidency suggestion:</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><i>To be re-discussed on the basis of Presidency suggestion:</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</i></p>	<p><i>To be re-discussed on the basis of Presidency suggestion:</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</p>

		<p>should also comply with national law.</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>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 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><i>To be re-discussed on the basis of Presidency suggestion:</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><i>Tentative agreement in trilogue:</i></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 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, <i>reconcile</i> 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>	<i>Tentative agreement in trilogue:</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.

<p>or literary expression in order to reconcile the right to the protection of personal data with the rules governing freedom of expression.</p>	<p>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 in accordance with the Charter of Fundamental Rights of the European Union.</p>	<p>expression and information, including the processing of personal data carried out solely for journalistic purposes and or the purposes of academic, artistic or literary expression in order to reconcile the right to the protection of personal data with the rules governing freedom of expression.</p>	
<p>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.</p>	<p>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.</p>	<p>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</p>	<p><i>Tentative agreement in trilogue:</i></p> <p>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)</p>

		<i>right to the protection of personal data with the freedom of expression and information.</i>	and Chapter IX (specific data processing situations) if they are necessary to reconcile the right to the protection of personal data with the freedom of expression and information.
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	<i>Amendment 190</i>		
	<i>Article 80a (new)</i>		
	<i>Access to documents</i>		
	<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>		
	<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>		

		<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>	<i>Tentative agreement in trilogue:</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>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 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>To be re-discussed</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>	<i>Tentative agreement in trilogue:</i> Member States may further 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 <i>fundamental rights, to the extent that these are</i> necessary <i>and proportionate, and of which the effects shall be foreseeable by the data subject,</i> for:	<i>deleted</i>	<i>deleted</i>

<p>(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</p>	<p>(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</p>	<p><i>deleted</i></p>	<p><i>deleted</i></p>
<p>(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</p>	<p>(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</p>	<p><i>deleted</i></p>	<p><i>deleted</i></p>

<p>(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.</p>	<p>(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 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.</p>	<p><i>deleted</i></p>	<p><i>deleted</i></p>
	<p>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.</p>		

	<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>		

<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.</p>	<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 shall be permitted only with the consent of the data subject, and shall be subject to the conditions and safeguards referred to in Article 83.</p>	<p><i>deleted</i></p>	<p><i>deleted</i></p>
	<p><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</i></p>		

	<i>in accordance with Article 19.</i>		
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<p>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.</p>	<p>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></p>	<p><i>deleted</i></p>	<p><i>deleted</i></p>
	<p><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></p>		

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

	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>	employment, and for the purpose of the termination of the employment relationship.	and for the purpose of the termination of the employment relationship.
	<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>		<i>To be re-discussed on the basis of Presidency suggestion:</i> 1a. 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 systems at the work place.
	<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></p>		
	<p><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></p>		

	<p><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></p>		
	<p><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>		

	<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. 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</i></p>		
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	<p><i>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><i>Tentative agreement in trilogue:</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>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.</p>	<p>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.</p>	<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. <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></p>	<p><i>Tentative agreement in trilogue:</i></p> <p>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.</p>
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	<i>Amendment 193</i>		
	<i>Article 82a</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, Where personal data may be <i>are</i> processed for scientific, statistical or historical, statistical or scientific research purposes only if: 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>To be re-discussed</i>

<p>(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;</p>	<p>(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;</p>	<p><i>deleted</i></p>	<p><i>deleted</i></p>
		<p><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></p>	<p><i>To be re-discussed</i></p>
<p>(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.</p>	<p>(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></p>	<p><i>deleted</i></p>	<p><i>deleted</i></p>

		<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>	<i>To be re-discussed</i>
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>	<i>To be re-discussed</i>

(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 <i>In accordance with the rules set out in</i> this Regulation, Member States may adopt <i>shall ensure that specific rules to set are in place setting</i> 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(21) 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><i>Tentative agreement in trilogue:</i></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, 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>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.</p>	<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.</p>	<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.</p>	<p><i>Tentative agreement in trilogue:</i></p> <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.</p>
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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.	<i>Tentative agreement in trilogue:</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.

<p>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.</p>	<p>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.</p>	<p>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.</p>	<p><i>Tentative agreement in trilogue:</i></p> <p>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.</p>
	<p><i>Amendment 198</i></p>		
	<p><i>Article 85a (new)</i></p>		
	<p><i>Respect of fundamental rights</i></p>		
	<p><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></p>		