

Comparision COM-proposal vs. Rapporteur vs. Bits of Freedom

Amendment 12

Proposal for a regulation Recital 20

Text proposed by the Commission

(20) In order to ensure that individuals are not deprived of the protection to which they are entitled under this Regulation, the processing of personal data of data subjects residing in the Union by a controller not established in the Union should be subject to this Regulation where the processing activities are related to the offering of goods or services to such data subjects, or to the monitoring *of the behaviour* of such data subjects.

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Amendment

(20) In order to ensure that individuals are not deprived of the protection to which they are entitled under this Regulation, the processing of personal data of data subjects residing in the Union by a controller not established in the Union should be subject to this Regulation where the processing activities are related to the offering of goods or services, ***including services offered free of charge***, to such data subjects, or to the monitoring of such data subjects.

In order to ensure that individuals are not deprived of the protection to which they are entitled under this Regulation, the processing of personal data of data subjects residing in the Union by a controller not established in the Union should be subject to this Regulation where the processing activities are related to the offering of goods or services, ***including services offered free of charge***, to such data subjects, or to the monitoring of the behaviour of such data subjects.

Amendment 13

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) In order to determine whether a processing activity can be considered to ‘monitor *the behaviour*’ of data subjects, it should be ascertained whether individuals are tracked ***on the internet with*** data processing techniques which consist of applying a ‘profile’ ***to an individual***, particularly in order to take decisions

Amendment

(21) In order to determine whether a processing activity can be considered to ‘monitor’ data subjects, it should be ascertained whether individuals are tracked on the internet ***or through other means, or if other data about them is collected, including from public registers and announcements in the Union that are***

concerning her or him or for analysing or predicting her or his personal preferences, behaviours and attitudes.

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accessible from outside of the Union, including with the intention to use, or potential of subsequent use of data processing techniques which consist of applying a 'profile', particularly in order to take decisions concerning her or him or for analysing or predicting her or his personal preferences, behaviours and attitudes.

In order to determine whether a processing activity can be considered to 'monitor the behaviour' of data subjects, it should be ascertained whether individuals are tracked with **the intention to use, or potential of subsequent use of** data processing techniques which consist of applying a profile, particularly in order to take decisions concerning her or him or for analysing or predicting her or his personal preferences, behaviours and attitudes.

Amendment 14

Proposal for a regulation Recital 23

Text proposed by the Commission

(23) The principles of protection should apply to any information concerning an identified or identifiable person. To determine whether a person is identifiable, account should be taken of all the means likely reasonably to be used either by the controller or by any other person to identify the individual. The principles of data protection should not apply to data rendered anonymous in such a way that the data subject is no longer identifiable.

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Amendment

(23) The principles of protection should apply to any information concerning an identified or identifiable person. To determine whether a person is identifiable, account should be taken of all the means likely reasonably to be used either by the controller or by any other person to identify the individual. ***This Regulation should not apply to anonymous data, meaning any data that can not be related, directly or indirectly, alone or in combination with associated data, to a natural person or where establishing such a relation would require a disproportionate amount of time, expense, and effort, taking into account the state of the art in technology at the time of the processing and the possibilities for development during the period for which the data will be processed.***

The principles of protection should apply to any information concerning an identified or identifiable person. To determine whether a person is identifiable, account should be taken of all the means likely to be used either by the controller or by any other person to identify the individual.

The principles of data protection should not apply to data rendered anonymous in such a way that the data subject is no longer identifiable, **taking full account of the technological “state of the art” and technological trends.**

Amendment 15

Proposal for a regulation Recital 24

Text proposed by the Commission

(24) When using online services, individuals may be associated with online identifiers provided by their devices, applications, tools and protocols, such as Internet Protocol addresses or cookie identifiers. ***This may leave traces which, combined with unique identifiers and other information received by the servers, may be used to create profiles of the individuals and identify them. It follows that identification numbers, location data, online identifiers or other specific factors as such need not necessarily be considered as personal data in all circumstances.***

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Amendment

(24) When using online services, individuals may be associated with ***one or more*** online identifiers provided by their devices, applications, tools and protocols, such as Internet Protocol addresses, cookie identifiers ***and other unique identifiers***. ***Since such identifiers leave traces and can be used to single out natural persons, this Regulation should be applicable to processing involving such data, unless those identifiers demonstrably do no relate to natural persons, such as for example the IP addresses used by companies, which cannot be considered as 'personal data' as defined in this Regulation.***

When using online services, individuals may be associated with **one or more** online identifiers provided by their devices, applications, tools and protocols, such as Internet Protocol addresses, cookie identifiers **and other unique identifiers** . **Since these identifiers leave traces and can be used to single out natural persons, this Regulation should be applicable to processing involving such data, unless these identifiers demonstrably do no relate to natural persons, such as for example the IP addresses used by companies, which cannot be considered as 'personal data' as defined in article 4(2).**

Amendment 18

Proposal for a regulation Recital 32

Text proposed by the Commission

(32) Where processing is based on the data subject's consent, the controller should have the burden of proving that the data subject has given the consent to the processing operation. In particular in the context of a written declaration on another matter, safeguards should ensure that the data subject is aware that and to what extent consent is given.

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Amendment

(32) Where processing is based on the data subject's consent, the controller should have the burden of proving that the data subject has given the consent to the processing operation. In particular in the context of a written declaration on another matter, safeguards should ensure that the data subject is aware that and to what extent consent is given. ***To comply with the principle of data minimisation, the burden of proof should not be understood as requiring the positive identification of data subjects unless necessary.***

Where processing is based on the data subject's consent, the controller should have the burden of proving that the data subject has given the consent to the processing operation. In particular in the context of a written declaration on another matter, safeguards should ensure that the data subject is aware that and to what extent consent is given. **To comply with the principle of data minimisation, this burden of proof should not be understood as requiring positive identification of data subjects, unless necessary.**

Amendment 20

Proposal for a regulation Recital 34

Text proposed by the Commission

(34) Consent should not provide a valid legal ground for the processing of personal data, where there is a clear imbalance between the data subject and the controller. This is especially the case where the data subject is in a situation of dependence from the controller, among others, where personal data are processed by the employer of employees' personal data in

Amendment

(34) Consent should not provide a valid legal ground for the processing of personal data, where there is a clear imbalance between the data subject and the controller. This is especially the case where the data subject is in a situation of dependence from the controller, among others, where personal data are processed by the employer of employees' personal data in

the employment context. Where the controller is a public authority, there would be an imbalance only in the specific data processing operations where the public authority can impose an obligation by virtue of its relevant public powers and the consent cannot be deemed as freely given, taking into account the interest of the data subject.

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the employment context, *where the processor or controller is in a dominant market position with respect to the products or services offered to the data subject or where a unilateral and non-essential change in terms of service gives a data subject no option other than to accept the change or abandon an online resource in which they have invested significant time.* Where the controller is a public authority, there would be an imbalance only in the specific data processing operations where the public authority can impose an obligation by virtue of its relevant public powers and the consent cannot be deemed as freely given, taking into account the interest of the data subject.

Consent should not provide a valid legal ground for the processing of personal data, where there is a clear imbalance between the data subject and the controller. This is especially the case where the data subject is in a situation of dependence from the controller, among others, where personal data are processed by the employer of employees' personal data in the employment context **or where a controller has substantial market power with respect to certain products or services and where these products or services are offered on condition of consent to the processing of personal data, or where a unilateral and non-essential change in terms of service gives a data subject no realistic option other than to accept the change or abandon an online resource in which they have invested significant time.** Where the controller is a public authority, there would be an imbalance only in the specific data processing operations where the public authority can impose an obligation by virtue of its relevant public powers and the consent cannot be deemed as freely given, taking into account the interest of the data subject.

Amendment 30

Proposal for a regulation Recital 47

Text proposed by the Commission

(47) Modalities should be provided for facilitating the data subject's exercise of their rights provided by this Regulation, including mechanisms to request, free of charge, in particular access to data, rectification, erasure and to exercise the right to object. The controller should be obliged to respond to requests of the data subject within a fixed deadline and give reasons, in case he **does not** comply with the data subject's request.

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Amendment

(47) Modalities should be provided for facilitating the data subject's exercise of their rights provided by this Regulation, including mechanisms to **obtain** free of charge, in particular access to data, rectification, erasure and to exercise the right to object. The controller should be obliged to respond to requests of the data subject within a fixed deadline and give reasons, in case he **cannot** comply with the data subject's request.

Modalities should be provided for facilitating the data subject's exercise of their rights provided by this Regulation, including mechanisms to **obtain**, free of charge, in particular access to data, rectification, erasure and to exercise the right to object. The controller should be obliged to respond to requests of the data subject within a fixed deadline and give reasons, in case he **cannot** comply with the data subject's request.

Amendment 31

Proposal for a regulation Recital 50

Text proposed by the Commission

(50) However, it is not necessary to impose this obligation where the data subject already disposes of this information, or where the recording or disclosure of the data is expressly laid down by law, or where the provision of information to the data subject proves impossible or would involve disproportionate efforts. ***The latter could be particularly the case where processing is for historical, statistical or scientific research purposes; in this regard, the number of data subjects, the age of the data, and any compensatory measures adopted may be taken into consideration.***

Amendment

(50) However, it is not necessary to impose this obligation where the data subject already disposes of this information, or where the recording or disclosure of the data is expressly laid down by law, or where the provision of information to the data subject proves impossible or would involve disproportionate efforts.

However, it is not necessary to impose this obligation where the data subject already disposes of this information, or where the recording or disclosure of the data is expressly laid down by law, or where the provision of information to the data subject proves impossible or would involve disproportionate efforts.

Amendment 32

Proposal for a regulation Recital 51

Text proposed by the Commission

(51) Any person should have the right of access to data which has been collected concerning them, and to exercise this right easily, in order to be aware and verify the lawfulness of the processing. Every data subject should therefore have the right to know and obtain communication in particular for what purposes the data are processed, for what period, which recipients receive the data, what is the logic of the data that are undergoing the processing and what might be, at least when based on profiling, the consequences of such processing. This right should not adversely affect the rights and freedoms of others, including trade secrets or intellectual property and in particular the copyright protecting the software. However, the result of these considerations should not be that all information is refused to the data subject.

Amendment

(51) Any person should have the right of access to data which has been collected concerning them, and to exercise this right easily, in order to be aware and verify the lawfulness of the processing. Every data subject should therefore have the right to know and obtain communication in particular for what purposes the data are processed, for what period, which recipients receive the data, what is the logic of the data that are undergoing the processing and what might be, at least when based on profiling, the consequences of such processing. This right should not adversely affect the rights and freedoms of others, including trade secrets or intellectual property, ***such as in relation to*** the copyright protecting the software. However, the result of these considerations should not be that all information is refused to the data subject.

Any person should have the right of access to data which has been collected concerning them, and to exercise this right easily, in order to be aware and verify the lawfulness of the processing. Every data subject should therefore have the right to know and obtain communication in particular for what purposes the data are processed, for what period, which recipients receive the data, what is the logic of the data that are undergoing the processing and what might be, at least when based on profiling, the consequences of such processing. This right should not adversely affect the rights and freedoms of others, including trade secrets or intellectual property **such as** the copyright protecting the software. However, the

result of these considerations should not be that all information is refused to the data subject.

Amendment 33

Proposal for a regulation Recital 52

Text proposed by the Commission

(52) The controller should use all reasonable measures to verify the ***identity of a data subject that requests*** access, in particular in the context of online services and online identifiers. A controller should not retain personal data for the unique purpose of being able to react to potential requests.

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Amendment

(52) The controller should use all reasonable measures to verify the ***authenticity of a subject access request***, in particular in the context of online services and online identifiers. A controller should not retain personal data for the unique purpose of being able to react to potential requests.

The controller should use all reasonable measures to verify the ***authenticity of a subjects access request***, in particular in the context of online services and online identifiers. A controller should not retain personal data for the unique purpose of being able to react to potential requests.

Amendment 36

Proposal for a regulation Recital 55

Text proposed by the Commission

(55) To further strengthen the control over their own data and their right of access, data subjects should have the right, ***where personal data are processed by electronic means and in a structured and commonly used format***, to obtain ***a copy of*** the data concerning them also in commonly used electronic format. The data subject should also be allowed to transmit those data, which they have provided, from one automated application, such as a social network, into another one. ***This should apply where the data subject provided the***

Amendment

(55) To further strengthen the control over their own data and their right of access, data subjects should have the right, to obtain ***free of charge*** the data concerning them also in commonly used, ***interoperable, and where possible open source*** electronic format. The data subject should also be allowed to transmit those data, which they have provided, from one automated application, such as a social network, into another one. ***Providers of information society services should not make the transfer of those data***

data to the automated processing system, based on their consent or in the performance of a contract

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mandatory for the provision of their services. Social networks should be encouraged as much as possible to store data in a way which permits efficient data portability for data subjects.

To further strengthen the control over their own data and their right of access, data subjects should have the right, where personal data are processed by electronic means and in a structured and commonly used format, to obtain a copy of the data concerning them also in commonly used, **interoperable, and where possible open source** electronic format. The data subject should also be allowed to transmit those data, which they have provided, from one automated application, such as a social network, into another one. **Providers of information society services should not make the transfer of those data mandatory for the provision of their services. Social networks should be encouraged as much as possible to store data in a way which permits efficient data portability for data subjects.**

Amendment 82

Proposal for a regulation Article 3 – paragraph 2 – point a)

Text proposed by the Commission

(a) the offering of goods or services to such data subjects in the Union; or

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Amendment

(a) the offering of goods or services to such data subjects in the Union, ***irrespective of whether payment is required for these goods or services***; or

(a) the offering of goods or services to such data subjects in the Union, ***irrespective of whether payment for these goods or services is required***; or

Amendment 84

Proposal for a regulation Article 4 – point 1

Text proposed by the Commission

(1) 'data subject' means an identified

Amendment

(1) 'data subject' means an identified

natural person or a natural person who can be identified, directly or indirectly, by means reasonably likely to be used by the controller or by any other natural or legal person, in particular by reference to an **identification number**, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person;

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natural person or a natural person who can be identified **or singled out**, directly or indirectly, **alone or in combination with associated data**, by means reasonably likely to be used by the controller or by any other natural or legal person, in particular by reference to a **unique identifier**, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, social **or gender identity or sexual orientation** of that person;

1. Definitions: data subject

'data subject' means an identified natural person or a natural person who can be identified **or singled out**, directly or indirectly, by means reasonably likely to be used by the controller or by any other natural or legal person, in particular by reference to an identification number **or a unique identifier**, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person;'

Amendment 87

**Proposal for a regulation
Article 4 – point 3 b (new)**

Text proposed by the Commission

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Amendment

(3b) 'profiling' means any form of automated processing of personal data intended to evaluate certain personal aspects relating to a natural person or to analyse or predict in particular that natural person's performance at work, economic situation, location, health, personal preferences, reliability or behaviour;

Definitions: profiling

'profiling' means any form of automated processing intended to evaluate certain personal aspects relating to this natural person or to analyse or predict in particular the natural person's performance at work, economic situation, location, health, personal preferences, reliability or behaviour.

Amendment 90

Proposal for a regulation Article 4 – point 9

Text proposed by the Commission

(9) 'personal data breach' means **a breach of security leading to** the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed;

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Amendment

(9) 'personal data breach' means the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed;

Definitions: personal data breach

'personal data breach' means the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed;

Amendment 103

Proposal for a regulation Article 6 – paragraph 4

Text proposed by the Commission

4. Where the purpose of further processing is not compatible with the one for which the personal data have been collected, the processing must have a legal basis at least in one of the grounds referred to in points (a) to (e) of paragraph 1. This shall in particular apply to any change of terms and general conditions of a contract.

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Amendment

deleted

deleted.

Amendment 135

Proposal for a regulation Article 14 – paragraph 8

Text proposed by the Commission

8. The Commission may lay down standard forms for providing the information

Amendment

8. The Commission **shall** lay down standard forms for providing the

referred to in paragraphs 1 to 3, taking into account the specific characteristics and needs of various sectors and data processing situations where necessary. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

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information referred to in paragraphs 1 to 3, taking into account the specific characteristics and needs of various sectors and data processing situations where necessary ***as well as the needs of the relevant stakeholders***. Those implementing acts shall be adopted, ***after requesting an opinion of the European Protection Board***, in accordance with the examination procedure referred to in Article 87(2).

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

Amendment 137

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

Text proposed by the Commission

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

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Amendment

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

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

Amendment 140

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

Text proposed by the Commission

Amendment

(hb) in the event of disclosure of personal data to a public authority as a result of a public authority request, confirmation of the fact that such a request has been

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made, information about whether or not the request has been fully or partly complied with and an overview of the data that were requested or disclosed.

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

Amendment 156

Proposal for a regulation Article 19 – paragraph 2

Text proposed by the Commission

2. Where personal data are processed *for direct marketing purposes*, the data subject shall have the right to object free of charge to the processing of their personal data *for such marketing*. This right shall be explicitly offered to the data subject in an intelligible manner and shall be clearly distinguishable from other information.

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Amendment

2. Where personal data are processed *based on Article 6(1a)*, the data subject shall have the right to object free of charge *in all cases* to the processing of their personal data. This right shall be explicitly offered to the data subject in an intelligible manner, *using clear and plain language, adapted to the data subject, in particular for any information addressed specifically to a child*, and shall be clearly distinguishable from other information.

2. Where personal data **processing is based on article 6(1)(f)**, the data subject shall have the right to object free of charge **at any time including at the time of the collection of their data**, to the processing of their personal data for such marketing. This right shall be explicitly offered to the data subject **at least via the same channel that is used to collect the data**, in an intelligible manner **using clear and plain language, adapted to the data subject**, and shall be clearly distinguishable from other information.

Amendment 162

Proposal for a regulation Article 20– paragraph 3

Text proposed by the Commission

3. Automated processing of personal data intended to evaluate certain personal aspects relating to a natural person **shall not be based solely on** the special categories of personal data referred to in Article 9.

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Amendment

2. Profiling activities relating to a natural person shall **not include or generate any** data that fall under the special categories of personal data referred to in Article 9, **except when falling within the exceptions listed in Article 9(2).**

3. Automated processing of personal data intended to evaluate certain personal aspects relating to a natural person shall not include or generate any data that fall under the special categories of personal data referred to in Article 9, **except when falling under the exceptions listed in Article 9(2).**

Amendment 163

Proposal for a regulation Article 20– paragraph 2 a (new)

Text proposed by the Commission

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Amendment

2a. Profiling that has the effect of discriminating against individuals on the basis of race or ethnic origin, political opinions, religion or beliefs, trade union membership, sexual orientation or gender identity, or that results in measures which have such effect, shall be prohibited.

4. Profiling that (whether intentionally or otherwise) has the effect of discriminating against individuals on the basis of race or ethnic origin, political opinions, religion or beliefs, trade union membership, or sexual orientation, or that (whether intentionally or otherwise) result in measures which have such effect, shall be prohibited.

Amendment 168

Proposal for a regulation Article 21 – paragraph 1 – point c)

Text proposed by the Commission

(c) other public interests of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, including monetary, budgetary and taxation matters ***and the protection of market stability and integrity***;

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Amendment

(c) other public interests of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, including monetary, budgetary and taxation matters;

(c) other **important** public interests of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, including monetary, budgetary and taxation matters;

Amendment 170

Proposal for a regulation Article 21– paragraph 2

Text proposed by the Commission

2. In particular, any legislative measure referred to in paragraph 1 ***shall contain specific provisions at least as to*** the objectives to be pursued by the processing ***and*** the determination of the controller.

Amendment

2. In particular, any legislative measure referred to in paragraph 1 ***must be necessary and proportionate in a democratic society and*** shall contain specific provisions at least as to:

(a) the objectives to be pursued by the processing;

(b) the determination of the controller;

(c) the specific purposes and means of processing;

(d) the categories of persons authorised to process the data;

(e) the procedure to be followed for the processing;

(f) the safeguards to prevent abuse;

(g) the right of data subjects to be informed about the restriction.

2. In particular, any legislative measure referred to in paragraph 1 **must comply with the standards of necessity and proportionality and** shall contain specific provisions at least as to:

- (a) the objectives to be pursued by the processing;
- (b) the determination of the controller;
- (c) **the specific purposes and means of processing;**
- (d) **the categories of persons authorised to process the data;**
- (e) **the procedure to be followed for the processing;**
- (f) **the safeguards against any arbitrary interferences by public authorities;**
- (g) **the right of data subjects to be informed about the restriction**

Amendment 176

Proposal for a regulation Article 23 – paragraph 1

Text proposed by the Commission

1. Having regard to the state of the art and the cost of implementation, the controller shall, both at the time of the determination of the means for processing and at the time of the processing itself, implement appropriate technical and organisational measures and procedures in such a way that the processing will meet the requirements of this Regulation and ensure the protection of the rights of the data subject

Amendment

1. Having regard to the state of the art and the cost of implementation, the controller shall, both at the time of the determination of the ***purposes and*** means for processing and at the time of the processing itself, implement appropriate technical and organisational measures and procedures in such a way that the processing will meet the requirements of this Regulation and ensure the protection of the rights of the data subject, ***in particular with regard to the principles laid out in Article 5. Where the controller has carried out a data protection impact assessment pursuant to Article 33, the results shall be taken into account when developing those measures and procedures.***

1. Having regard to the state of the art and the cost of implementation, the controller shall, both at the time of the determination of the means for processing and at the time of the processing itself, implement appropriate measures and procedures in such a way that the processing will meet the requirements of this Regulation and ensure the protection of the rights of the data subject.
This shall include both:
(a) **technical measures relating to the technical design and architecture of the product or**

service; and

(b) organisational measures which relate to the operational policies of the controller.

Where a controller has carried out a data protection impact assessment pursuant to Article 33, the results of this shall be taken into account when developing the measures referred to in points (a) and (b) of this paragraph.

Amendment 177

Proposal for a regulation Article 23 – paragraph 2

Text proposed by the Commission

2. The controller shall **implement mechanisms for ensuring** that, by default, only those personal data are processed which are necessary for each specific purpose of the processing and are especially not collected or retained beyond the minimum necessary for those purposes, both in terms of the amount of the data and the time of their storage. In particular, those mechanisms shall ensure that by default personal data are not made accessible to an indefinite number of individuals.

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Amendment

2. **Where the data subject is given a choice regarding the processing of personal data**, the controller shall **ensure** that, by default, only those personal data are processed which are necessary for each specific purpose of the processing and are especially not collected or retained beyond the minimum necessary for those purposes, both in terms of the amount of the data and the time of their storage. In particular, those mechanisms shall ensure that by default personal data are not made accessible to an indefinite number of individuals **and that data subjects are able to control the distribution of their personal data**.

2. The controller shall implement mechanisms for ensuring that, by default, only those personal data are processed which are necessary for each specific purpose of the processing and are especially not collected or retained beyond the minimum necessary for those purposes, both in terms of the amount of the data and the time of their storage. **This shall be ensured using technical and organisational measures, as appropriate.** In particular, those mechanisms shall ensure that by default personal data are not made accessible to an indefinite number of individuals **and that data subjects can control the distribution of their personal data** .

Amendment 183

Proposal for a regulation Article 25 — paragraph 3

Text proposed by the Commission

3. The representative shall be established in one of those Member States where the data subjects whose personal data are processed ***in relation to the offering of goods or services to them, or whose behaviour is monitored***, reside.

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Amendment

3. The representative shall be established in one of those Member States where the data subjects whose personal data are processed ***as referred to in Article 3(2)*** reside.

3. The representative shall be established in one of those Member States where the data subjects whose personal data are processed in relation to the offering of goods or services to them, or whose behaviour is monitored, reside.

Amendment 198

Proposal for a regulation Article 31 – paragraphe 4 a (new)

Text proposed by the Commission

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Amendment

4a. The supervisory authority shall keep a public register of the types of breaches notified

6. The supervisory authority maintains public register of all notified data breaches which can be accessed free of charge.

Amendment 324

Proposal for a regulation Article 80– paragraph 1

Text proposed by the Commission

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

Amendment

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 or literary expression*** in order to reconcile the right to the protection of personal data with the rules governing freedom of expression.

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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 ***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 and its referral to the ECHR.***

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 ***whenever this is necessary*** in order to reconcile the right to the protection of personal data with the rules governing freedom of expression.

Amendment 334

Proposal for a regulation Article 83 – paragraph 1

Text proposed by the Commission

1. Within the limits of this Regulation, personal data may be processed for historical, statistical or scientific research purposes only if:

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Amendment

1. Within the limits of this Regulation, personal data ***not falling within the categories of data covered by Articles 8 and 9*** may be processed for historical, statistical or scientific research purposes only if:

1. Within the limits of this Regulation, personal data ***not falling within the categories of data covered by Articles 8 and 9*** may be processed for historical, statistical or scientific research purposes only if:

Amendment 335

Proposal for a regulation Article 83 – paragraph 1 - point b)

Text proposed by the Commission

(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.***

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Amendment

(b) data enabling the attribution of information to an identified or identifiable data subject is kept separately from the other information.

(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.

Amendment 336

Proposal for a regulation Article 83 – paragraph 1 a (new)

Text proposed by the Commission

Bits of Freedom

Amendment

1a. Subject to the exception in paragraph 1b, data falling within the categories of data covered by Articles 8 and 9 may be processed for historical, statistical or scientific research only with the consent of the data subjects.

2. Subject only to the exception in paragraph (3), data falling within the categories of data covered by Articles 8 and 9 of the Regulation may be processed for historical, statistical or scientific research only with the consent of the data subjects, given in accordance with Article 4(8).