All subjects

General Data Protection Regulation

Obligations

Rights

Indirect rights

Publishing the data of the designated data protection officer

Chapter IV, Section 4, Article 37, Paragraph 7

The controller or the processor shall publish the contact details of the data protection officer and communicate them to the supervisory authority.

Definitions

Subject-matter

Chapter I, Article 1, Paragraph 1.

This Regulation lays down rules relating to the protection of natural persons with regard to the processing of personal data and rules relating to the free movement of personal data.

Objective of the regulation

Chapter I, Article 1, Paragraph 2.

This Regulation protects fundamental rights and freedoms of natural persons and in particular their right to the protection of personal data.

Positive definition of the material scope

Chapter I, Article 2, Paragraph 1.

This Regulation applies to the processing of personal data wholly or partly by automated means and to the processing other than by automated means of personal data which form part of a filing system or are intended to form part of a filing system.

Free movement of personal data

Chapter I, Article 1, Paragraph 3.

The free movement of personal data within the Union shall be neither restricted nor prohibited for reasons connected with the protection of natural persons with regard to the processing of personal data.

Negative definition of the material scope

Chapter I, Article 2, Paragraph 2

This Regulation does not apply to the processing of personal data:
(a) in the course of an activity which falls outside the scope of Union law;
(b) by the Member States when carrying out activities which fall within the scope of Chapter 2 of Title V of the TEU;
(c) by a natural person in the course of a purely personal or household activity;
(d) by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.

Processing

Chapter I, Article 4, Paragraph 2

For the purposes of this Regulation:
'processing' means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

Restriction of processing

Chapter I, Article 4, Paragraph 3

For the purposes of this Regulation:
'restriction of processing' means the marking of stored personal data with the aim of limiting their processing in the future;

Profiling

Chapter I, Article 4, Paragraph 4

For the purposes of this Regulation:
'profiling' means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements;

Pseudonymization

Chapter I, Article 4, Paragraph 5

For the purposes of this Regulation:
'pseudonymisation' means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person;

Filling system

Chapter I, Article 4, Paragraph 6

For the purposes of this Regulation:
'filing system' means any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis;

Consent

Chapter I, Article 4, Paragraph 11

For the purposes of this Regulation:
'consent' of the data subject means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her;

Personal data breach

Chapter I, Article 4, Paragraph 12

For the purposes of this Regulation:
'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;

Genetic data

Chapter I, Article 4, Paragraph 13

For the purposes of this Regulation:
'genetic data' means personal data relating to the inherited or acquired genetic characteristics of a natural person which give unique information about the physiology or the health of that natural person and which result, in particular, from an analysis of a biological sample from the natural person in question;

Biometric data

Chapter I, Article 4, Paragraph 14

For the purposes of this Regulation:
'biometric data' means personal data resulting from specific technical processing relating to the physical, physiological or behavioural characteristics of a natural person, which allow or confirm the unique identification of that natural person, such as facial images or dactyloscopic data;

Data concerning health

Chapter I, Article 4, Paragraph 15

For the purposes of this Regulation:
'data concerning health' means personal data related to the physical or mental health of a natural person, including the provision of health care services, which reveal information about his or her health status;

Main establishment

Chapter I, Article 4, Paragraph 16

For the purposes of this Regulation:
'main establishment' means:
(a) as regards a controller with establishments in more than one Member State, the place of its central administration in the Union, unless the decisions on the purposes and means of the processing of personal data are taken in another establishment of the controller in the Union and the latter establishment has the power to have such decisions implemented, in which case the establishment having taken such decisions is to be considered to be the main establishment;
(b) as regards a processor with establishments in more than one Member State, the place of its central administration in the Union, or, if the processor has no central administration in the Union, the establishment of the processor in the Union where the main processing activities in the context of the activities of an establishment of the processor take place to the extent that the processor is subject to specific obligations under this Regulation;

Representative

Chapter I, Article 4, Paragraph 17

For the purposes of this Regulation:
'representative' means a natural or legal person established in the Union who, designated by the controller or processor in writing pursuant to Article 27, represents the controller or processor with regard to their respective obligations under this Regulation;

Enterprise

Chapter I, Article 4, Paragraph 18

For the purposes of this Regulation:
'enterprise' means a natural or legal person engaged in an economic activity, irrespective of its legal form, including partnerships or associations regularly engaged in an economic activity;

Group of undertakings

Chapter I, Article 4, Paragraph 19

For the purposes of this Regulation:
'group of undertakings' means a controlling undertaking and its controlled undertakings;

Binding corporate rules

Chapter I, Article 4, Paragraph 20

For the purposes of this Regulation:
'binding corporate rules' means personal data protection policies which are adhered to by a controller or processor established on the territory of a Member State for transfers or a set of transfers of personal data to a controller or processor in one or more third countries within Group of undertakings, or group of enterprises engaged in a joint economic activity;

Cross-border processing

Chapter I, Article 4, Paragraph 23

For the purposes of this Regulation:
'cross-border processing' means either:
(a) processing of personal data which takes place in the context of the activities of establishments in more than one Member State of a controller or processor in the Union where the controller or processor is established in more than one Member State; or
(b) processing of personal data which takes place in the context of the activities of a single establishment of a controller or processor in the Union but which substantially affects or is likely to substantially affect data subjects in more than one Member State.;

Relevant and reasoned objection

Chapter I, Article 4, Paragraph 24

For the purposes of this Regulation:
'relevant and reasoned objection' means an objection to a draft decision as to whether there is an infringement of this Regulation, or whether envisaged action in relation to the controller or processor complies with this Regulation, which clearly demonstrates the significance of the risks posed by the draft decision as regards the fundamental rights and freedoms of data subjects and, where applicable, the free flow of personal data within the Union;

Information society service

Chapter I, Article 4, Paragraph 25

For the purposes of this Regulation:
'information society service' means a service as defined in point (b) of Article 1(1) of Directive (EU) 2015/1535 of the European Parliament and of the Council;

International organisation

Chapter I, Article 4, Paragraph 26

For the purposes of this Regulation:
'international organisation' means an organisation and its subordinate bodies governed by public international law, or any other body which is set up by, or on the basis of, an agreement between two or more countries;

Assessing the consent given

Chapter II, Article 7, Paragraph 4

When assessing whether consent is freely given, utmost account shall be taken of whether, inter alia, the performance of a contract, including the provision of a service, is conditional on consent to the processing of personal data that is not necessary for the performance of that contract.

Exemption from exercising the paragraphs 1 – 3, Article 13

Chapter III, Section 2, Article 13, Paragraph 4

Paragraphs 1, 2 and 3 shall not apply where and insofar as the data subject already has the information.

Limitation of the negative implications relating to other subjects' rights

Chapter III, Section 3, Article 20, Paragraph 4

The right referred to in paragraph 1 shall not adversely affect the rights and freedoms of others.

Transparency rules in the certification process

Chapter IV, Section 4, Article 42, Paragraph 3

The certification shall be voluntary and available via a process that is transparent.

Reference to the Article 5 of Regulation (EU) No 182/2011

Chapter X, Article 93, Paragraph 2

Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Reference to the Article 5in connection with Article 8 of Regulation (EU) No. 182/2011

Chapter X, Article 93, Paragraph 3

Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

Expiry date of the Directive 95/46/EC

Chapter XI, Article 94, Paragraph 1

Directive 95/46/EC is repealed with effect from 25 May 2018.

Special provisions and references to the Directive 95/46/EC

Chapter XI, Article 94, Paragraph 2

References to the repealed Directive shall be construed as references to this Regulation. References to the Working Party on the Protection of Individuals with regard to the Processing of Personal Data established by Article 29 of Directive 95/46/EC shall be construed as references to the European Data Protection Board established by this Regulation.

Relationship with Directive 2002/58/EC

Chapter XI, Article 95

This Regulation shall not impose additional obligations on natural or legal persons in relation to processing in connection with the provision of publicly available electronic communications services in public communication networks in the Union in relation to matters for which they are subject to specific obligations with the same objective set out in Directive 2002/58/EC.

Entry into force of this regulation

Chapter XI, Article 99, Paragraph 1

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Application of this regulation

Chapter XI, Article 99, Paragraph 2

It shall apply from 25 May 2018.