

COMP Article 2

7.10.2013

Article 2

Material scope

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

2. This Regulation does not apply to the processing of personal data:

(a) in the course of an activity which falls outside the scope of Union law, ~~*in particular national security*~~;

~~*(b) by the Union institutions, bodies, offices and agencies;*~~

(c) by the Member States when carrying out activities which fall within the scope of Chapter 2 of *Title V* of the Treaty on European Union;

(d) by a natural person ~~*without any gainful interest*~~ in the course of ~~*its own*~~ an exclusively personal or household activity. *This exemption also shall apply to a publication of personal data where it can be reasonably expected that it will be only accessed by a limited number of persons*;

(e) by competent *public* authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties.

3. This Regulation shall be without prejudice to the application of Directive 2000/31/EC, in particular of the liability rules of intermediary service providers in Articles 12 to 15 of that Directive.

Recitals

(14) This Regulation does not address issues of protection of fundamental rights and freedoms or the free flow of data related to activities which fall outside the scope of Union law, ~~*nor does it cover the processing of personal data by the Union institutions, bodies, offices and agencies, which are subject to Regulation (EC) No 45/2001, or the processing of personal data by the Member States when carrying out activities in relation to the common foreign and security policy of the Union. Regulation (EC) No 45/2001 should be brought in line with this Regulation and applied in accordance with this Regulation.*~~

(15) This Regulation should not apply to processing of personal data by a natural person, which are exclusively personal, *family-related*, or domestic, such as correspondence and the holding of addresses *or a private sale* and without any connection with a professional or commercial activity. *However, this Regulation should apply to controllers and processors*

which provide the means for processing personal data for such personal or domestic activities.