

COMP Article 14 17.10.2013

Article 14 Information to the data subject

1. Where personal data relating to a data subject are collected, the controller shall provide the data subject with at least the following information, *after the particulars pursuant to Article 13a have been provided*:

(a) the identity and the contact details of the controller and, if any, of the controller's representative, of the data protection officer;

(b) the purposes of the processing for which the personal data are intended, *as well as information regarding the security of the processing of personal data*, including the contract terms and general conditions where the processing is based on point (b) of Article 6(1) and ~~the legitimate interests pursued by the controller~~, *where applicable, information on how they implement and meet the requirements of point f of Article 6(1)*;

(c) the period for which the personal data will be stored, *or if this is not possible, the criteria used to determine this period*;

(d) the existence of the right to request from the controller access to and rectification or erasure of the personal data concerning the data subject to object to the processing of such personal data, *or to obtain data*;

(e) the right to lodge a complaint to the supervisory authority and the contact details of the supervisory authority;

(f) the recipients or categories of recipients of the personal data;

(g) where applicable, that the controller intends to transfer *the data* to a third country or international organisation and on ~~the level of protection afforded by that third country or international organisation by reference to the existence or absence of~~ an adequacy decision by the Commission, *or in case of transfers referred to in Article 42, Article 43, or point (h) of Article 44(1), reference to the appropriate safeguards and the means to obtain a copy of them*;

(ga) where applicable, information about the existence of profiling, of measures based on profiling, and the envisaged effects of profiling on the data subject;

(gb) meaningful information about the logic involved in any automated processing;

(h) any further information *which is* necessary to guarantee fair processing in respect of the data subject, having regard to the specific circumstances in which the personal data are collected *or processed, in particular the existence of certain processing activities and operations for which a personal data impact assessment has indicated that there may be a high risk*;

(ha) where applicable, information whether personal data was provided to public authorities during the last consecutive 12-month period.

2. Where the personal data are collected from the data subject, the controller shall inform the data subject, in addition to the information referred to in paragraph 1, whether the provision of personal data is ***obligatory mandatory*** or ***voluntary optional***, as well as the possible consequences of failure to provide such data.

2a. In deciding on further information which is necessary to make the processing fair under 1(h), controllers shall have regard to any relevant guidance under Article 38.

3. Where the personal data are not collected from the data subject, the controller shall inform the data subject, in addition to the information referred to in paragraph 1, from which source the ***specific*** personal data originate. ***If personal data originates from publicly available sources, a general indication may be given.***

4. The controller shall provide the information referred to in paragraphs 1, 2 and 3:

(a) at the time when the personal data are obtained from the data subject ***or without undue delay where the above is not feasible***; or

(aa) on request by a body, organization or association referred to in Article 73;

(b) where the personal data are not collected from the data subject, at the time of the recording or within a reasonable period after the collection, having regard to the specific circumstances in which the data are collected or otherwise processed, or, if a ***disclosure transfer*** to another recipient is envisaged, and at the latest ~~***when the data are first disclosed at the time of the first transfer, or, if the data are to be used for communication with the data subject concerned, at the latest at the time of the first communication to that data subject;***~~ or

(bb) only on request where the data are processed by a small or micro enterprise which processes personal data only as an ancillary activity.

5. Paragraphs 1 to 4 shall not apply, where:

(a) the data subject has already the information referred to in paragraphs 1, 2 and 3; or

(b) the data ***are processed for historical, statistical or scientific research purposes subject to the conditions and safeguards referred to in Articles 81 and 83***, are not collected from the data subject and the provision of such information proves impossible or would involve a disproportionate effort ***and the controller has published the information for anyone to retrieve***; or

(c) the data are not collected from the data subject and recording or disclosure is expressly laid down by law ***to which the controller is subject, which provides appropriate measures to protect the data subject's legitimate interests, considering the risks represented by the processing and the nature of the personal data***; or

(d) the data are not collected from the data subject and the provision of such information will impair the rights and freedoms of others *natural persons*, as defined in Union law or Member State law in accordance with Article 21.

(da) the data are processed in the exercise of his profession by, or are entrusted or become known to, a person who is subject to an obligation of professional secrecy regulated by Union or Member State law or to a statutory obligation of secrecy, unless the data is collected directly from the data subject.

6. In the case referred to in point (b) of paragraph 5, the controller shall provide appropriate measures to protect the data subject's *rights or* legitimate interests.

~~7. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria for categories of recipients referred to in point (f) of paragraph 1, the requirements for the notice of potential access referred to in point (g) of paragraph 1, the criteria for the further information necessary referred to in point (h) of paragraph 1 for specific sectors and situations, and the conditions and appropriate safeguards for the exceptions laid down in point (b) of paragraph 5. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized enterprises.~~

~~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. 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).~~

Recitals

(48) The principles of fair and transparent processing require that the data subject should be informed in particular of the existence of the processing operation and its purposes, how long the data will be *likely stored for each purpose, if the data are to be transferred to third parties or third countries*, on the existence *of measures to object and* of the right of access, rectification or erasure and on the right to lodge a complaint. Where the data are collected from the data subject, the data subject should also be informed whether they are obliged to provide the data and of the consequences, in cases they do not provide such data. *This information should be provided, which can also mean made readily available, to the data subject after the provision of simplified information in the form of standardised icons.*

(49) The information in relation to the processing of personal data relating to the data subject should be given to them at the time of collection, or, where the data are not collected from the data subject, within a reasonable period, depending on the circumstances of the case. Where data can be legitimately disclosed to another recipient, the data subject should be informed when the data are first disclosed to the recipient.

(50) However, it is not necessary to impose this obligation where the data subject already ~~disposes of~~ *knows* 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.*~~