

## COMP AM Article 52

15.10.2013

### Article 52

#### Duties

1. The supervisory authority shall:

(a) monitor and ensure the application of this Regulation;

(b) hear complaints lodged by any data subject, or by an association ~~representing that data subject~~ in accordance with Article 73, investigate, to the extent appropriate, the matter and inform the data subject or the association of the progress and the outcome of the complaint within a reasonable period, in particular if further investigation or coordination with another supervisory authority is necessary;

(c) share information with and provide mutual assistance to other supervisory authorities and ensure the consistency of application and enforcement of this Regulation;

(d) conduct investigations, either on its own initiative or on the basis of a complaint or *of specific and documented information received alleging unlawful processing* or on request of another supervisory authority, and inform the data subject concerned, if the data subject has addressed a complaint to this supervisory authority, of the outcome of the investigations within a reasonable period;

(e) monitor relevant developments, insofar as they have an impact on the protection of personal data, in particular the development of information and communication technologies and commercial practices;

(f) be consulted by Member State institutions and bodies on legislative and administrative measures relating to the protection of individuals' rights and freedoms with regard to the processing of personal data;

(g) authorise and be consulted on the processing operations referred to in Article 34;

(h) issue an opinion on the draft codes of conduct pursuant to Article 38(2);

(i) approve binding corporate rules pursuant to Article 43;

(j) participate in the activities of the European Data Protection Board;

*(ja) certify controllers and processors pursuant to Article 39.*

2. Each supervisory authority shall promote the awareness of the public on risks, rules, safeguards and rights in relation to the processing of personal data *and on appropriate measures for personal data protection*. Activities addressed specifically to children shall receive specific attention.

**2a. Each supervisory authority shall together with the European Data Protection Board promote the awareness of controllers and processors on risks, rules, safeguards and rights in relation to the processing of personal data. This includes keeping a register of sanctions and breaches. The register should enroll both all warnings and sanctions as detailed as possible, and the resolving of breaches. Each supervisory authority shall provide micro, small and medium sized enterprise controllers and processors on request with general information on their responsibilities and obligations in accordance with this Regulation.**

3. The supervisory authority shall, upon request, advise any data subject in exercising the rights under this Regulation and, if appropriate, co-operate with the supervisory authorities in other Member States to this end.

4. For complaints referred to in point (b) of paragraph 1, the supervisory authority shall provide a complaint submission form, which can be completed electronically, without excluding other means of communication.

5. The performance of the duties of the supervisory authority shall be free of charge for the data subject.

6. Where requests are manifestly excessive, in particular due to their repetitive character, the supervisory authority may charge a **reasonable** fee or not-take the action requested by the data subject. **Such a fee shall not exceed the costs of taking the action requested.** The supervisory authority shall bear the burden of proving the manifestly excessive character of the request.

## **Recitals**

(100) In order to ensure consistent monitoring and enforcement of this Regulation throughout the Union, the supervisory authorities should have in each Member State the same duties and effective powers, including powers of investigation, legally binding intervention, decisions and sanctions, particularly in cases of complaints from individuals, and to engage in legal proceedings. Investigative powers of supervisory authorities as regards access to premises should be exercised in conformity with Union law and national law. This concerns in particular the requirement to obtain a prior judicial authorisation.

(101) Each supervisory authority should hear complaints lodged by any data subject **or by an association acting in the public interest** and should investigate the matter. The investigation following a complaint should be carried out, subject to judicial review, to the extent that is appropriate in the specific case. The supervisory authority should inform the data subject **or the association** of the progress and the outcome of the complaint within a reasonable period. If the case requires further investigation or coordination with another supervisory authority, intermediate information should be given to the data subject.

(102) Awareness raising activities by supervisory authorities addressed to the public should include specific measures directed at controllers and processors, including micro, small and medium-sized enterprises, as well as data subjects.