

## **COMP AM Article 85b (Beginning of Chapter X)**

**16.10.2013**

### **Article 85b Standard Forms**

*The Commission may, taking into account the specific features and necessities of various sectors and data processing situations, lay down standard forms for*

- a) specific methods to obtain verifiable consent referred to in Article 8(1),*
- b) the communication referred to in Article 12(2), including the electronic format,*
- c) providing the information referred to in paragraphs 1 to 3 of Article 14,*
- d) requesting and granting access to the information referred to in Article 15(1), including for communicating the personal data to the data subject,*
- e) documentation referred to in paragraph 1 of Article 28,*
- f) breach notifications pursuant to Article 31 to the supervisory authority and the documentation referred to in Article 31(4),*
- g) prior consultations referred to in Article 34, and for informing the supervisory authorities pursuant to Article 34(6).*

*2. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized enterprises.*

*3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).*

### **Recitals**

(130) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission for: specifying standard forms in relation to the processing of personal data of a child; standard procedures and forms for exercising the rights of data subjects; standard forms for the information to the data subject; standard forms and procedures in relation to the right of access; the right to data portability; standard forms in relation to the responsibility of the controller to data protection by design and by default and to the documentation; specific requirements for the security of processing; the standard format and the procedures for the notification of a personal data breach to the supervisory authority and the communication of a personal data breach to the data subject; standards and procedures for a data protection impact assessment; forms and procedures for prior authorisation and prior consultation; technical standards and mechanisms for certification; the adequate level of protection afforded by a third country or a territory or a processing sector within that third country or an international organisation; disclosures not authorized by Union law; mutual assistance; joint operations; decisions under the consistency mechanism. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of

the Commission's exercise of implementing powers<sup>1</sup>. In this context, the Commission should consider specific measures for micro, small and medium-sized enterprises.

(131) The examination procedure should be used for the adoption of specifying standard forms in relation to the consent of a child; standard procedures and forms for exercising the rights of data subjects; standard forms for the information to the data subject; standard forms and procedures in relation to the right of access; the right to data portability; standard forms in relation to the responsibility of the controller to data protection by design and by default and to the documentation; specific requirements for the security of processing; the standard format and the procedures for the notification of a personal data breach to the supervisory authority and the communication of a personal data breach to the data subject; standards and procedures for a data protection impact assessment; forms and procedures for prior authorisation and prior consultation; technical standards and mechanisms for certification; the adequate level of protection afforded by a third country or a territory or a processing sector within that third country or an international organisation; disclosures not authorized by Union law; mutual assistance; joint operations; decisions under the consistency mechanism, given that those acts are of general scope.

~~(132) *The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to a third country or a territory or a processing sector within that third country or an international organisation which does not ensure an adequate level of protection and relating to matters communicated by supervisory authorities under the consistency mechanism, imperative grounds of urgency so require.*~~  
(technical amendment due to the changes in Article 44)

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<sup>1</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers, OJ L 55, 28.2.2011, p. 13.