

## COMP Article 38

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### Article 38

#### Codes of conduct

1. The Member States, the supervisory authorities and the Commission shall encourage the drawing up of codes of conduct *or the adoption of codes of conduct drawn up by a supervisory authority* intended to contribute to the proper application of this Regulation, taking account of the specific features of the various data processing sectors, in particular in relation to:

(a) fair and transparent data processing;

*(aa) respect for consumer rights;*

(b) the collection of data;

(c) the information of the public and of data subjects;

(d) requests of data subjects in exercise of their rights;

(e) information and protection of children;

(f) transfer of data to third countries or international organisations;

(g) mechanisms for monitoring and ensuring compliance with the code by the controllers adherent to it;

(h) out-of-court proceedings and other dispute resolution procedures for resolving disputes between controllers and data subjects with respect to the processing of personal data, without prejudice to the rights of the data subjects pursuant to Articles 73 and 75.

2. Associations and other bodies representing categories of controllers or processors in one Member State which intend to draw up codes of conduct or to amend or extend existing codes of conduct may submit them to an opinion of the supervisory authority in that Member State. The supervisory authority *shall without undue delay may* give an opinion in whether *the processing under* the draft code of conduct or the amendment is in compliance with this Regulation. The supervisory authority shall seek the views of data subjects or their representatives on these drafts.

3. Associations and other bodies representing categories of controllers *or processors* in several Member States may submit draft codes of conduct and amendments or extensions to existing codes of conduct to the Commission.

4. The Commission *shall be empowered to adopt, after requesting an opinion of the European Data Protection Board, delegated acts in accordance with Article 86 may adopt implementing acts* for deciding that the codes of conduct and amendments or extensions to existing codes of conduct submitted to it pursuant to paragraph 3 *are in line with this Regulation and* have general validity within the Union. *This delegated act shall confer enforceable rights on data subjects. Those implementing acts shall be adopted in accordance with the examination procedure set out in Article 87(2).*

5. The Commission shall ensure appropriate publicity for the codes which have been decided as having general validity in accordance with paragraph 4.

## **Recitals**

(76) Associations or other bodies representing categories of controllers should be encouraged, *after consultation of the representatives of the employees*, to draw up codes of conduct, within the limits of this Regulation, so as to facilitate the effective application of this Regulation, taking account of the specific characteristics of the processing carried out in certain sectors. *Such codes should make compliance with this Regulation easier for industry.*