

COMP AM Article 80

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Article 80

Processing of personal data and freedom of expression

1. Member States shall provide for exemptions or derogations from the provisions on the general principles in Chapter II, the rights of the data subject in Chapter III, on controller and processor in Chapter IV, on the transfer of personal data to third countries and international organisations in Chapter V, the independent supervisory authorities in Chapter VI, ~~and~~ on co-operation and consistency in Chapter VII *and specific data processing situations in Chapter IX whenever this is necessary for the processing of personal data carried out solely for journalistic purposes or the purpose of artistic or literary expression* in order to reconcile the right to the protection of personal data with the rules governing freedom of expression *in accordance with the Charter of Fundamental Rights of the European Union*.

2. Each Member State shall notify to the Commission those provisions of its law which it has adopted pursuant to paragraph 1 by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment law or amendment affecting them.

Recitals

(121) *Whenever necessary, exemptions or derogations* ~~The processing of personal data solely for journalistic purposes, or for the purposes of artistic or literary expression should qualify for exemption~~ from the requirements of certain provisions of this Regulation for the processing of personal data *should be provided for* in order to reconcile the right to the protection of personal data with the right to freedom of expression, and notably the right to receive and impart information, as guaranteed in particular by Article 11 of the Charter of Fundamental Rights of the European Union. ~~This should apply in particular to processing of personal data in the audiovisual field and in news archives and press libraries.~~ Therefore, Member States should adopt legislative measures, which should lay down exemptions and derogations which are necessary for the purpose of balancing these fundamental rights. Such exemptions and derogations should be adopted by the Member States on general principles, on the rights of the data subject, on controller and processor, on the transfer of data to third countries or international organisations, on the independent supervisory authorities, ~~and~~ on co-operation and consistency, *and on specific data processing situations*. This should not, however, lead Member States to lay down exemptions from the other provisions of this Regulation. In order to take account of the importance of the right to freedom of expression in every democratic society, it is necessary to interpret notions relating to that freedom, ~~such as journalism,~~ broadly ~~Therefore, Member States should classify activities as "journalistic" for the purpose of the exemptions and derogations to be laid down under this Regulation if the object of to cover all these activities which aim at is~~ the disclosure to the public of information, opinions or ideas, irrespective of the medium which is used to transmit them, *also taking into account technological development*. They should not be limited to media undertakings and may be undertaken for profit-making or for non-profit making purposes.