Build your Stuff with Privacy by Design

Johannes Brodwall

https://twitter.com/jhannes
https://twitter.com/mobileeraconf
«Our GDPR strategy»:
«Our GDPR strategy»:
1. Why should I as a developer care?
2. Why should I as a citizen care?
3. Finding your way
A true story that never happened
Mobile Era crew dinner

We're celebrating the completions of the Mobile Era conference. Would you like to join us?

Your name

Are you joining the crew dinner November 2nd?

☐ Yes
☐ No

Do you have any dietary restrictions?

Your answer

Submit

Never submit passwords through Google Forms.
Mobile Era crew dinner

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Your answer

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☐ Yes

☐ No

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Art. 2 GDPR

Material scope

1. This Regulation applies to the processing of personal data wholly or partly by automated means and to the processing other than by automated means of personal data which form part of a filing system or are intended to form part of a filing system.

2. This Regulation does not apply to the processing of personal data:
   (a) in the course of an activity which falls outside the scope of Union law;
   (b) by the Member States when carrying out activities which fall within the scope of Chapter 2 of Title V of the TEU;
   (c) by a natural person in the course of a purely personal or household activity;
   (d) by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties.
Art. 4 GDPR
Definitions

For the purposes of this Regulation:

(1) ‘personal data’ means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

(2) ‘processing’ means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means,
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Your name

Your answer

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☐ Yes

☐ No

Do you have any dietary restrictions?

Your answer
Art. 9 GDPR

Processing of special categories of personal data

1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation shall be prohibited.

2. Paragraph 1 shall not apply if one of the following applies:
   (a) the data subject has given explicit consent to the processing of those...
Mobile Era crew dinner

We're celebrating the completions of the Mobile Era conference. Would you like to join us?

Your name

Are you joining the crew dinner November 2nd?

- Yes
- No

Do you have any dietary restrictions?

Your answer

Submit

Never submit passwords through Google Forms.
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2. Paragraph 1 shall not apply if one of the following applies:

(a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject;

(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law or a collective agreement.

(c) the processing is necessary to bring into effect, or to the performance of, a contract between the data subject and the controller or the data subject and another natural person or because of the performance of administrative tasks by the controller or another natural person pursuant to Union or Member State law to which the controller is subject;

(d) the processing is necessary for reasons of public interest in the field of public health, in particular where it is necessary within the framework of preventive medicine, for the safeguarding of public health, or for the protection of the rights and interests of persons referred to in paragraph 1 and is not feasible by means of processing operations which do not affect those special categories of personal data.

(e) the processing is necessary for exercising, defending, or bringing to an end legal claims.

(f) the processing is necessary, in the context of statistics, to implement public interest tasks performed by the controller or by the statistical office under whose authority it operates.

(g) the processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent.

(h) the processing is necessary to protect the vital interests of the controller or of another natural person where the data subject is physically or legally incapable of giving consent.
Art. 5 GDPR

Principles relating to processing of personal data

1. Personal data shall be:
   (a) processed lawfully, fairly and in a transparent manner in relation to the data subject (‘lawfulness, fairness and transparency’);
   (b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89(1), not be considered to be incompatible with the initial purposes (‘purpose limitation’);
   (c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (‘data minimisation’);
(c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (‘data minimisation’);

(d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay (‘accuracy’);

(e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 88(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject (‘storage limitation’);

(f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical
Art. 12 GDPR

Transparent information, communication and modalities for the exercise of the rights of the data subject

1. The controller shall take appropriate measures to provide any information referred to in Articles 13 and 14 and any communication under Articles 15 to 22 and 34 relating to processing to the data subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language, in particular for any information addressed specifically to a child. The information shall be provided in writing, or by other means, including, where appropriate, by electronic means. When requested by the data subject, the information may be provided orally, provided that the identity of the data subject is proven by other means.
Art. 44 GDPR

General principle for transfers

1. Any transfer of personal data which are undergoing processing or are intended for processing after transfer to a third country or to an international organisation shall take place only if subject to the other provisions of this Regulation, the conditions laid down in this Chapter are complied with by the controller and processor, including for onward transfers of personal data from the third country or an international organisation to another third country or to another international organisation. 2. All provisions in this Chapter shall be applied in order to ensure that the level of protection of natural persons guaranteed by this Regulation is not undermined.

Suitable Recitals
Let’s take a deep breath...
... and fix it
Art. 6 GDPR
Lawfulness of processing

1. Processing shall be lawful only if and to the extent that at least one of the following applies:

(a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;

(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

(c) processing is necessary for compliance with a legal obligation to which the controller is subject;

(d) processing is necessary in order to protect the vital interests of the data
### Key Issues

- **Processing is necessary in order to protect the vital interests of the data subject or of another natural person:**
- **Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller:**
- **Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.**

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2. **Member States may maintain or introduce more specific provisions to adapt the application of the rules of this Regulation with regard to processing for compliance with points (c) and (e) of paragraph 1 by determining more precisely specific requirements for the processing and other measures to ensure lawful and fair processing including for other specific processing situations as provided...**
Art. 6 GDPR

Lawfulness of processing

1. Processing shall be lawful only if and to the extent that at least one of the following applies:

(a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;

(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

(c) processing is necessary for compliance with a legal obligation to which the controller is subject;

(d) processing is necessary in order to protect the vital interests of the data...
Art. 13 GDPR

Information to be provided where personal data are collected from the data subject

1. Where personal data relating to a data subject are collected from the data subject, the controller shall, at the time when personal data are obtained, provide the data subject with all of the following information:

   (a) the identity and the contact details of the controller and, where applicable, of the controller’s representative;

   (b) the contact details of the data protection officer, where applicable;

   (c) the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;
### Key Issues

1. **Means by which to obtain a copy of them or where they have been made available.**

2. In addition to the information referred to in paragraph 1, the controller shall, at the time when personal data are obtained, provide the data subject with the following further information necessary to ensure fair and transparent processing:

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

   (b) the existence of the right to request from the controller access to and rectification or erasure of personal data or restriction of processing concerning the data subject or to object to processing as well as the right to data portability;

   (c) where the processing is based on point (a) of Article 6(1) or point (a) of Article 9(2), the existence of the right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal;

   (d) the right to lodge a complaint with a supervisory authority;
Mobile Era crew dinner

We’re celebrating the completions of the Mobile Era conference. Would you like to join us?

In order to make reservations for the crew dinner, we need to know whether you are coming and if there’s anything you don’t eat.

We will protect your personal information. We will use the information to make the reservation and then delete it. The information will only be used by the party committee and it will be anonymized when placed the order.

If you want us to delete the information after you entered it, or otherwise exercise the rights to your data, email contact@mobileera.rocks.

*Required

I consent that this information can be used make the reservation

*  

☐ I consent

Your name *

Your answer

Are you joining the crew dinner November 2nd?

☐ Yes

THIS IS NOT LEGAL ADVICE
Art. 44 GDPR

General principle for transfers

1 Any transfer of personal data which are undergoing processing or are intended for processing after transfer to a third country or to an international organisation shall take place only if, subject to the other provisions of this Regulation, the conditions laid down in this Chapter are complied with by the controller and processor, including for onward transfers of personal data from the third country or an international organisation to another third country or to another international organisation. 2 All provisions in this Chapter shall be applied in order to ensure that the level of protection of natural persons guaranteed by this Regulation is not undermined.

Suitable Recitals
Art. 45 GDPR

Transfers on the basis of an adequacy decision

1. A transfer of personal data to a third country or an international organisation may take place where the Commission has decided that the third country, a territory or one or more specified sectors within that third country, or the international organisation in question ensures an adequate level of protection.

2. Such a transfer shall not require any specific authorisation.

2. When assessing the adequacy of the level of protection, the Commission shall, in particular, take account of the following elements:

(a) the rule of law, respect for human rights and fundamental freedoms, relevant legislation, both general and sectoral, including concerning public...
Art. 46 GDPR

Transfers subject to appropriate safeguards

1. In the absence of a decision pursuant to Article 45(3), a controller or processor may transfer personal data to a third country or an international organisation only if the controller or processor has provided appropriate safeguards, and on condition that enforceable data subject rights and effective legal remedies for data subjects are available.

2. The appropriate safeguards referred to in paragraph 1 may be provided for, without requiring any specific authorisation from a supervisory authority, by:
Art. 47 – Binding corporate rules

Art. 48 – Transfers or disclosures not authorised by Union law

Art. 49 – Derogations for specific situations

Art. 50 – International cooperation for the protection of personal data

Chapter 6 (Art. 51 – 59)
Independent supervisory authorities

Chapter 7 (Art. 60 – 76)
Cooperation and consistency

Chapter 8 (Art. 77 – 84)
Remedies, liability and penalties

Chapter 9 (Art. 85 – 91)
Provisions relating to specific processing situations

Chapter 10 (Art. 92 – 93)
Delegated acts and implementing acts

Chapter 11 (Art. 94 – 99)

KEY ISSUES

3. Subject to the authorisation from the competent supervisory authority, the appropriate safeguards referred to in paragraph 1 may also be provided for in:

   (b) binding corporate rules in accordance with Article 47;

   (c) standard data protection clauses adopted by the Commission in accordance with the examination procedure referred to in Article 93(2);

   (d) standard data protection clauses adopted by a supervisory authority and approved by the Commission pursuant to the examination procedure referred to in Article 93(2);

   (e) an approved code of conduct pursuant to Article 40 together with binding and enforceable commitments of the controller or processor in the third country to apply the appropriate safeguards, including as regards data subjects’ rights; or

   (f) an approved certification mechanism pursuant to Article 42 together with binding and enforceable commitments of the controller or processor in the third country to apply the appropriate safeguards, including as regards data subjects’ rights.
Art. 47 GDPR

Binding corporate rules

1. The competent supervisory authority shall approve binding corporate rules in accordance with the consistency mechanism set out in Article 63, provided that they:

   (a) are legally binding and apply to and are enforced by every member concerned of the group of undertakings, or group of enterprises engaged in a joint economic activity, including their employees;

   (b) expressly confer enforceable rights on data subjects with regard to the processing of their personal data; and

   (c) fulfil the requirements laid down in paragraph 2.
Google Cloud & the General Data Protection Regulation (GDPR)

Compliance with the GDPR is a top priority for Google Cloud and our customers. The GDPR aims to strengthen personal data protection in Europe, and impacts the way we all do business. We're sure you have many questions, and we're here to help. Google Cloud takes a customer-centric approach on protection, control, and compliance, and we want to be a key facilitator on your GDPR journey.

- GOOGLE CLOUD AND THE GDPR WHITEPAPER
- GOOGLE CLOUD GDPR QUICK REFERENCE GUIDE
- G SUITE DATA PROTECTION IMPLEMENTATION GUIDE

VISIT OUR GDPR RESOURCE CENTER →

Read the instructions here for Google Cloud Platform.
G Suite & Google Cloud Platform Commitments to the GDPR

Among other things, data controllers are required to only use data processors that provide sufficient guarantees to implement appropriate technical and organisational measures in such a manner that processing will meet the requirements of the GDPR. When conducting your assessment of G Suite and Google Cloud Platform services, you may want to consider the following:

**Data Protection Expertise**

Google employs security and privacy professionals that include some of the world's foremost experts in information, application, and network security. This expert team is tasked with maintaining the company's defense systems, developing security review processes, building stronger security infrastructure, and precisely implementing Google's security policies.

Google also employs an extensive team of lawyers, regulatory compliance experts, and public policy specialists who look after privacy and security compliance for Google Cloud.
Data Processing Agreements

Our data processing agreements for G Suite and Google Cloud Platform clearly articulate our privacy commitment to customers. We have evolved these terms over the years based on feedback from our customers and regulators.

More recently, we have specifically updated these terms to reflect the GDPR, and have made these updated available well in advance of the entry into force of the GDPR to facilitate our customers’ compliance assessment and GDPR readiness when using Google Cloud services.

Our customers can enter into these updated data processing terms via the opt in process described here for the G Suite Data Processing Amendment and here for the GCP Data Processing and Security Terms.

Processing According to Instructions

Any data that a customer and its users put into our systems will only be processed in accordance with the customer’s instructions, as described in our GDPR-updated data processing agreements.

Personnel Confidentiality Commitments
Art. 25 GDPR

Data protection by design and by default

1. Taking into account the state of the art, the cost of implementation and the nature, scope, context and purposes of processing as well as the risks of varying likelihood and severity for rights and freedoms of natural persons posed by the processing, the controller shall, both at the time of the determination of the means for processing and at the time of the processing itself, implement appropriate technical and organisational measures, such as pseudonymisation, which are designed to implement data-protection principles, such as data minimisation, in an effective manner and to integrate the necessary safeguards into the processing in order to meet the requirements of this Regulation and to protect the rights and freedoms of natural persons.
Syv steg til innebygd personvern
Your name *

Your answer

Are you joining the crew dinner November 2nd?

- Yes
- No

What would you like to eat?

- Cod with brussel sprouts, bacon, potato purée and maelote sauce
- Tenderized beef sirloin with mushroom purée, spinach, onions and bordeaux sauce
- Confit of duck with green cabbage, celery and garlic purée, borrhatace onions and red wine sauce (no lactose)
- Vegetarian smoked bean burger with pesto, raw red onion, tomato, spouts, salad and oven baked potatoes (vegetarian)

Submit

Never submit passwords through Google Forms.
Why do we need all this hassle?
Recital 2

Respect of the fundamental rights and freedoms*

1 The principles of, and rules on the protection of natural persons with regard to the processing of their personal data should, whatever their nationality or residence, respect their fundamental rights and freedoms, in particular their right to the protection of personal data. 2 This Regulation is intended to contribute to the accomplishment of an area of freedom, security and justice and of an economic union, to economic and social progress, to the strengthening and the convergence of the economies within the internal market, and to the well-being of natural persons.

* This title is an unofficial description.
Recital 10

Harmonised level of data protection despite national scope*

1 In order to ensure a consistent and high level of protection of natural persons and to remove the obstacles to flows of personal data within the Union, the level of protection of the rights and freedoms of natural persons with regard to the processing of such data should be equivalent in all Member States. 2 Consistent and homogenous application of the rules for the protection of the fundamental rights and freedoms of natural persons with regard to the processing of personal data should be ensured throughout the Union. 3 Regarding the processing of personal data for compliance with a legal obligation, for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller, Member States should be allowed to maintain or introduce national provisions to further specify the application of the rules of this Regulation. 4 In conjunction with the general and horizontal law on data protection implementing Directive 95/46/EC, Member States have several sector-specific laws in areas that need more specific provisions.
In a number of countries, we see government agencies seeking broad access to private, personally identifiable information (PII). The increased use of public cloud solutions makes it more difficult for organizations to protect the data entrusted to them by their users while also respecting all relevant laws. The European Union has some of the most progressive privacy laws, and all the major cloud providers—Amazon, Google and Microsoft—offer multiple data centers and regions within the European Union. Therefore, we recommend that companies, especially those with a global user base, assess the feasibility of a safe haven for their users’ data by hosting PII data in the EU. Since we wrote about this technique in the last Radar, we have rolled out a new internal system that...

ARCHIVED BLIP
Please be aware that we have archived this blip and are no longer actively keeping the information updated. The current edition of the radar only features items that we feel are new or noteworthy.
Understand more »
Recital 1

Data protection as a fundamental right

1 The protection of natural persons in relation to the processing of personal data is a fundamental right. 2 Article 8(1) of the Charter of Fundamental Rights of the European Union (the ‘Charter’) and Article 16(1) of the Treaty on the Functioning of the European Union (TFEU) provide that everyone has the right to the protection of personal data concerning him or her.

* This title is an unofficial description.
Facebook to roll out global privacy settings hub — thanks to GDPR

Posted Jan 24, 2018 by Natasha Lomas (@riptari)
Equifax to be investigated by FCA over data breach

24 October 2017 | Technology
Uber Data Breach Exposed Personal Information of 20 Million Users

By BLOOMBERG Updated: April 12, 2018 5:02 PM ET

A data breach in 2016 exposed the names, phone numbers and email addresses of more than 20 million people who use Uber Technologies Inc.’s service in the U.S., authorities said on Thursday, as they chastised the ride-hailing company for not revealing the lapse earlier.

The Federal Trade Commission said Uber failed to disclose the leak last year as the agency investigated and sanctioned the company for a similar data breach that happened in 2014. Bloomberg News reported the breach in November.
Metaphor: Accounting
Titans of Tangled Finances Kick Up Their Heels Again

By BEN BRANTLEY  APRIL 27, 2010
Facebook’s week of shame / The Cambridge Analytica fallout

Mark Zuckerberg apologises for Facebook’s ‘mistakes’ over Cambridge Analytica

Observer comment cartoon An apology – of sorts – from Mark Zuckerberg

Facebook told me it would act swiftly on data misuse – in 2015
Harry Davies

Raid / Investigators spend seven hours at Cambridge Analytica HQ

Speaking out / Former Cambridge Analytica exec says she wants lies to stop

The Cambridge Analytica saga is a scandal of Facebook’s own making
John Harris

Politicians can’t control the digital giants with rules drawn up for the analogue era
Andrew Rennysley

‘Did they just use me? Was I naive?’ / Brexit whistleblower speaks out

Report Insider claims Vote Leave may have breached spending limits
There are other paths
To avoid a negative record of personal credit
Uyghurs
It can go really, really wrong
numbers in this series.

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Häftlings-Personal-Karte

Fam.-Name: Kazimierkiewicz
Vorname: Georg
Geb. am: 24.4.14 in Gosewo
Stand: 4 Kinder
Wohnort: Gosewo-Ho. Marklein S.P.R.
Strasse: 
Religion: J. Staatsam.
Wohnort d. Angehörigen: 
Mutter: Anna Kazimierkiewicz
Vorstrafen: 

Überstellt
am: an KL.

Personen-Beschreibung:
Grösse: 1.70 cm
Gestalt: 
Gesicht: 
Augen: 
Nase: 
Mund: 
Ohren: 
Zähne: 
Haare: 
Sprache: 

Entlassung:
am: durch KL.

mit Verfügung v.:

Sicherheit b. Einsatz:
Charak.-Eigenschaften:

Strafen im Lager:

Grund: 
Art: 
Bemerkung: 

Körperliche Verfassung:
Dehomag Tabulator D11
What will we look back upon in 40 years?
Define regulation?
Regulation (European Union)

From Wikipedia, the free encyclopedia

For the regulation of the European Union single market, see Internal market.

A regulation is a legal act of the European Union[1] that becomes immediately enforceable as law in all member states simultaneously.[2][3] Regulations can be distinguished from directives which, at least in principle, need to be transposed into national law. Regulations can be adopted by means of a variety of legislative procedures depending on their subject matter.

Description

The description of regulations can be found in Article 288 of the Treaty on the Functioning of the European Union (formerly Article 249 TEC).

Article 288

To exercise the Union's competences, the institutions shall adopt regulations, directives, decisions, recommendations and opinions.
Pages in category "European Union regulations"

The following 41 pages are in this category, out of 41 total. This list may not reflect recent changes (learn more).

A
- List of air carriers banned in the European Union
- Applicable divorce law regulation

B
- Brussels Regime

C
- Capital Requirements Regulation 2013
- CLP Regulation
- Regulation on Community designs

D
- DB-ALM
- Dublin Regulation

E
- EC Regulation 1223/2009 on cosmetics
- EC Regulation No. 1275/2008
- EIDAS
- European Enforcement Order
- European Market Infrastructure Regulation
- European Payment Order
- European small claims procedure
- European Union System for the Evaluation of Substances
- Evidence Regulation

G
- General Data Protection Regulation
- Genetically modified food in Europe

I
- Insolvency Regulation (EC) 1346/2000

J

N
- Notified Body

Q
- Qualified website authentication certificate

R
- REACH authorisation procedure
- Registration, Evaluation, Authorisation and Restriction of Chemicals
- Regulation (EU) 1169/2011
- Regulation of pesticides in the European Union
- Regulation on Wholesale Energy Market Integrity and Transparency
- Rome I Regulation
- Rome II Regulation

S
- Service Regulation
- Standardised European Rules of the Air

T
- European Union Timber Regulation
REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 27 April 2016
on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee (1),

Having regard to the opinion of the Committee of the Regions (2),

Having regard to the opinion of the Committee of the Regions (3),

Acting in accordance with the ordinary legislative procedure (4),
Having regard to the opinion of the Committee of the Regions (*)

Acting in accordance with the ordinary legislative procedure (*).

Whereas:

(1) The protection of natural persons in relation to the processing of personal data is a fundamental right. Article 8(1) of the Charter of Fundamental Rights of the European Union (the 'Charter') and Article 16(1) of the Treaty on the Functioning of the European Union (TFEU) provide that everyone has the right to the protection of personal data concerning him or her.

(2) The principles of, and rules on the protection of natural persons with regard to the processing of their personal data should, whatever their nationality or residence, respect their fundamental rights and freedoms, in particular their right to the protection of personal data. This Regulation is intended to contribute to the accomplishment of an area of freedom, security and justice and of an economic union, to economic and social progress, to the strengthening and the convergence of the economies within the internal market, and to the well-being of natural persons.

(3) Directive 95/46/EC of the European Parliament and of the Council (*) seeks to harmonise the protection of fundamental rights and freedoms of natural persons in respect of processing activities and to ensure the free flow of personal data between Member States.

Having regard to the opinion of the Committee of the Regions (1).

Acting in accordance with the ordinary legislative procedure (2).

Whereas:

(1) The protection of natural persons in relation to the processing of personal data is a fundamental right. Article 8(1) of the Charter of Fundamental Rights of the European Union (the ‘Charter’) and Article 16(1) of the Treaty on the Functioning of the European Union (TFEU) provide that everyone has the right to the protection of personal data concerning him or her.

(2) The principles of, and rules on the protection of natural persons with regard to the processing of their personal data should, whatever their nationality or residence, respect their fundamental rights and freedoms, in particular their right to the protection of personal data. This Regulation is intended to contribute to the accomplishment of an area of freedom, security and justice and of an economic union, to economic and social progress, to the strengthening and the convergence of the economies within the internal market, and to the well-being of natural persons.

(3) Directive 95/46/EC of the European Parliament and of the Council (3) seeks to harmonise the protection of fundamental rights and freedoms of natural persons in respect of processing activities and to ensure the free flow of personal data between Member States.

(1) OJ C 229, 31.7.2012, p. 80

(4) The processing of personal data should be designed to serve mankind. The right to the protection of personal data is not an absolute right: it must be considered in relation to its function in society and be balanced against
(4) The processing of personal data should be designed to serve mankind. The right to the protection of personal data is not an absolute right; it must be considered in relation to its function in society and be balanced against other fundamental rights, in accordance with the principle of proportionality. This Regulation respects all fundamental rights and observes the freedoms and principles recognised in the Charter as enshrined in the Treaties, in particular the respect for private and family life, home and communications, the protection of personal data, freedoms of thought, conscience and religion, freedom of expression and information, freedom to conduct a business, the right to an effective remedy and to a fair trial, and cultural, religious and linguistic diversity.

(5) The economic and social integration resulting from the functioning of the internal market has led to a substantial increase in cross-border flows of personal data. The exchange of personal data between public and private actors, including natural persons, associations and undertakings across the Union has increased. National authorities in the Member States are being called upon by Union law to cooperate and exchange personal data so as to be able to perform their duties or carry out tasks on behalf of an authority in another Member State.

(6) Rapid technological developments and globalisation have brought new challenges for the protection of personal data. The scale of the collection and sharing of personal data has increased significantly. Technology allows both private companies and public authorities to make use of personal data on an unprecedented scale in order to pursue their activities. Natural persons increasingly make personal information available publicly and globally. Technology has transformed both the economy and social life, and should further facilitate the free flow of personal data within the Union and the transfer to third countries and international organisations, while ensuring a high level of the protection of personal data.

(7) Those developments require a strong and more coherent data protection framework in the Union, backed by strong enforcement, given the importance of creating the trust that will allow the digital economy to develop across the internal market. Natural persons should have control of their own personal data. Legal and practical certainty for natural persons, economic operators and public authorities should be enhanced.

(8) Where this Regulation provides for specifications or restrictions of its rules by Member State law, Member States may, as far as necessary for coherence and for making the national provisions comprehensible to the persons to whom they apply, incorporate elements of this Regulation into their national law.

(9) The objectives and principles of Directive 95/46/EC remain sound, but it has not prevented fragmentation in the
Welcome to gdpr-info.eu. Here you can find the official PDF of the Regulation (EU) 2016/679 (General Data Protection Regulation) in the current version of the OJ L 119, 04.05.2016; cor. OJ L 127, 23.5.2018 as a neatly arranged website. All Articles of the GDPR are linked with suitable recitals. The European Data Protection Regulation is applicable as of May 25th, 2018 in all member states to harmonize data privacy laws across Europe. If you find the page useful, feel free to support us by sharing the project.

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Explore GDPR
DLA Piper UK LLP  Business

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Installed
General Data Protection Regulation

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Quick Access

Chapter 1 – 1 2 3 4
Art. 83 GDPR

General conditions for imposing administrative fines

1. Each supervisory authority shall ensure that the imposition of administrative fines pursuant to this Article in respect of infringements of this Regulation referred to in paragraphs 4, 5 and 6 shall in each individual case be effective, proportionate and dissuasive.

2. Administrative fines shall, depending on the circumstances of each individual case, be imposed in addition to, or instead of, measures referred to in points (a) to (h) and (j) of Article 58(2). When deciding whether to impose an administrative fine and deciding on the amount of the administrative fine in each individual case due regard shall be given to the following:
5. Infringements of the following provisions shall, in accordance with paragraph 2, be subject to administrative fines up to 20,000,000 EUR, or in the case of an undertaking, up to 4% of the total worldwide annual turnover of the preceding financial year, whichever is higher:

- the basic principles for processing, including conditions for consent, pursuant to Articles 5, 6, 7 and 9;
- the data subjects’ rights pursuant to Articles 12 to 22;
- the transfers of personal data to a recipient in a third country or an international organisation pursuant to Articles 44 to 49;
- any obligations pursuant to Member State law adopted under Chapter IX;
## General Data Protection Regulation (GDPR)

### Chapter 1 - General provisions

- **Article 1** – Subject-matter and objectives
- **Article 2** – Material scope
- **Article 3** – Territorial scope
- **Article 4** – Definitions

### Chapter 2 - Principles

- **Article 5** – Principles relating to processing of personal data
- **Article 6** – Lawfulness of processing
- **Article 7** – Conditions for consent
- **Article 8** – Conditions applicable to child’s consent in relation to information society services
- **Article 9** – Processing of special categories of personal data
- **Article 10** – Processing of personal data relating to criminal convictions and offences
<table>
<thead>
<tr>
<th>Chapter 3</th>
<th>Rights of the data subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1</td>
<td>Transparency and modalities</td>
</tr>
<tr>
<td>Article 12</td>
<td>Transparent information, communication and modalities for the exercise of the rights of the data subject</td>
</tr>
<tr>
<td>Section 2</td>
<td>Information and access to personal data</td>
</tr>
<tr>
<td>Article 13</td>
<td>Information to be provided where personal data are collected from the data subject</td>
</tr>
<tr>
<td>Article 14</td>
<td>Information to be provided where personal data have not been obtained from the data subject</td>
</tr>
<tr>
<td>Article 15</td>
<td>Right of access by the data subject</td>
</tr>
<tr>
<td>Section 3</td>
<td>Rectification and erasure</td>
</tr>
<tr>
<td>Article 16</td>
<td>Right to rectification</td>
</tr>
<tr>
<td>Article 17</td>
<td>Right to erasure ('right to be forgotten')</td>
</tr>
<tr>
<td>Article 18</td>
<td>Right to restriction of processing</td>
</tr>
<tr>
<td>Article 19</td>
<td>Notification obligation regarding rectification or erasure of personal data or restriction of processing</td>
</tr>
<tr>
<td>Article 15</td>
<td>Right of access by the data subject</td>
</tr>
<tr>
<td>Article 16</td>
<td>Right to rectification</td>
</tr>
<tr>
<td>Article 17</td>
<td>Right to erasure ('right to be forgotten')</td>
</tr>
<tr>
<td>Article 18</td>
<td>Right to restriction of processing</td>
</tr>
<tr>
<td>Article 19</td>
<td>Notification obligation regarding rectification or erasure of personal data or restriction of processing</td>
</tr>
<tr>
<td>Article 20</td>
<td>Right to data portability</td>
</tr>
<tr>
<td>Section 4</td>
<td>Right to object and automated individual decision-making</td>
</tr>
<tr>
<td>Article 21</td>
<td>Right to object</td>
</tr>
<tr>
<td>Article 22</td>
<td>Automated individual decision-making, including profiling</td>
</tr>
<tr>
<td>Section 5</td>
<td>Restrictions</td>
</tr>
<tr>
<td>Article 23</td>
<td>Restrictions</td>
</tr>
<tr>
<td>GENERAL DATA PROTECTION REGULATION (GDPR)</td>
<td>RECITALS</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
What do you need to do?
personal data

1. Personal data shall be:

   (a) processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency');

   (b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89(1), not be considered to be incompatible with the initial purposes ('purpose limitation');

   (c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');

   (d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');
What do you need to do?

- Establish lawfulness of processing
- Facilitate the rights of the subject
- Perform the processing responsibly
Lawfulness
1. Processing shall be lawful only if and to the extent that at least one of the following applies:

(a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;

(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

(c) processing is necessary for compliance with a legal obligation to which the controller is subject;

(d) processing is necessary in order to protect the vital interests of the data subject or of another natural person;

(e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;

(f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.
1. Where processing is based on consent, the controller shall be able to demonstrate that the data subject has consented to processing of his or her personal data.

2. If the data subject’s consent is given in the context of a written declaration which also concerns other matters, the request for consent shall be presented in a manner which is clearly distinguishable from the other matters, in an intelligible and easily accessible form, using clear and plain language. Any part of such a declaration which constitutes an infringement of this Regulation shall not be binding.

3. The data subject shall have the right to withdraw his or her consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal. Prior to giving consent, the data subject shall be informed thereof. It shall be as easy to withdraw as to give consent.

4. When assessing whether consent is freely given, utmost account shall be taken of whether, inter alia, the performance of a contract, including the provision of a service, is conditional on consent to the processing of personal data that is not necessary for the performance of that contract.
Rights
1. Where personal data relating to a data subject are collected from the data subject, the controller shall, at the time when personal data are obtained, provide the data subject with all of the following information:

(a) the identity and the contact details of the controller and, where applicable, of the controller’s representative;

(b) the contact details of the data protection officer, where applicable;

(c) the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;

(d) where the processing is based on point (f) of Article 6(1), the legitimate interests pursued by the controller or by a third party;

(e) the recipients or categories of recipients of the personal data, if any;

(f) where applicable, the fact that the controller intends to transfer personal data to a third country or international organisation and the existence or absence of an adequacy decision by the Commission, or in the case of transfers referred to in Article 66 or 47, or the second subparagraph of Article 49(1), reference to the appropriate or suitable safeguards and the means by which to obtain a copy of them or where they have been made available.
Art. 14 GDPR

Information to be provided where personal data have not been obtained from the data subject

1. Where personal data have not been obtained from the data subject, the controller shall provide the data subject with the following information:

   (a) the identity and the contact details of the controller and, where applicable, of the controller’s representative;

   (b) the contact details of the data protection officer, where applicable;

   (c) the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;

   (d) the categories of personal data concerned;

   (e) the recipients or categories of recipients of the personal data, if any;
3. The controller shall provide the information referred to in paragraphs 1 and 2:
   
   (a) within a reasonable period after obtaining the personal data, but at the latest within one month, having regard to the specific circumstances in which the personal data are processed;
   
   (b) if the personal data are to be used for communication with the data subject, at the latest at the time of the first communication to that data subject; or
   
   (c) if a disclosure to another recipient is envisaged, at the latest when the personal data are first disclosed.
   
4. Where the controller intends to further process the personal data for a purpose other than that for which the personal data were obtained, the controller shall provide the data subject prior to that further processing with information on that other purpose and with any relevant further information as referred to in paragraph 2.
   
5. Paragraphs 1 to 4 shall not apply where and insofar as:
   
   (a) the data subject already has the information;
   
   (b) the provision of such information proves impossible or would involve a disproportionate effort, in particular for processing for archiving purposes in the public interest.
If you get data about someone from someone else, you must tell them
1. The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:
   
   (a) the purposes of the processing;
   
   (b) the categories of personal data concerned;
   
   (c) the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
   
   (d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
   
   (e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
   
   (f) the right to lodge a complaint with a supervisory authority;
   
   (g) where the personal data are not collected from the data subject, any available information as to their source;
Art. 20 GDPR
Right to data portability

1. The data subject shall have the right to receive the personal data concerning him or her, which he or she has provided to a controller, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the controller to which the personal data have been provided, where:

(a) the processing is based on consent pursuant to point (a) of Article 6(1) or point (a) of Article 9(2) or on a contract pursuant to point (b) of Article 6(1); and

(b) the processing is carried out by automated means.

2. In exercising his or her right to data portability pursuant to paragraph 1, the data subject shall have the right to have the personal data transmitted directly from one controller to another, where technically feasible.

3. The exercise of the right referred to in paragraph 1 of this Article shall be without prejudice to Article 17. That right shall not apply to processing
Data subjects can request an export (JSON, XML, CSV) from you of their data
Data subjects can request an export (JSON, XML, CSV) from YOUR COMPETITORS of their data 😈
Art. 18 – Right to restriction of processing

1. The data subject shall have the right to obtain from the controller restriction of processing where one of the following applies:

   (a) the accuracy of the personal data is contested by the data subject, for a period enabling the controller to verify the accuracy of the personal data;

   (b) the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead;

   (c) the controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims;

   (d) the data subject has objected to processing pursuant to Article 21(1) pending the verification whether the legitimate grounds of the controller override those of the data subject.

2. Where processing has been restricted under paragraph 1, such personal data shall, with the exception of storage, only be processed with the data subject’s consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State.

3. A data subject who has obtained restriction of processing pursuant to paragraph 1 shall have the right to obtain from the controller the erasure of the personal data or the rectification, restriction or erasure of personal data or restriction of processing of other personal data relating to the data subject from any other controller to whom such personal data were disclosed by the controller pursuant to Article 16(1) or Article 25 in breach of Article 15(b), without prejudice to paragraph 1.

4. Where personal data have been processed for direct marketing purposes, the data subject shall have the right to object at any time to such processing, including profiling, which is related to such monitoring.

5. Where the processing of personal data relates to scientific or historical research purposes or statistical purposes, the provisions of paragraph 1 shall apply in respect of data processing based on a legitimate interest of the controller in accordance with Article 6(1)(f) if the processing is not necessary for the performance of a task carried out in the public interest or for the exercise of official authority vested in the controller.
You may have to lock data up temporarily (you’re not allowed to delete it!)
### Art. 19 GDPR

**Notification obligation regarding rectification or erasure of personal data or restriction of processing**

1. The controller shall communicate any rectification or erasure of personal data or restriction of processing carried out in accordance with Article 16, Article 17(1) and Article 18 to each recipient to whom the personal data have been disclosed, unless this proves impossible or involves disproportionate effort. 2. The controller shall inform the data subject about those recipients if the data subject requests it.

### Suitable Recitals

(66) Right to be forgotten
On erasure and recitifications, you must distribute the changes
Responsibilities
<table>
<thead>
<tr>
<th>Controller and processor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art. 24 – Responsibility of the controller</td>
</tr>
<tr>
<td>Art. 25 – Data protection by design and by default</td>
</tr>
<tr>
<td>Art. 26 – Joint controllers</td>
</tr>
<tr>
<td>Art. 27 – Representatives of controllers or processors not established in the Union</td>
</tr>
<tr>
<td>Art. 28 – Processor</td>
</tr>
<tr>
<td>Art. 29 – Processing under the authority of the controller or processor</td>
</tr>
<tr>
<td>Art. 30 – Records of processing activities</td>
</tr>
<tr>
<td>Art. 31 – Cooperation with the supervisory authority</td>
</tr>
<tr>
<td>Art. 32 – Security of processing</td>
</tr>
<tr>
<td>Art. 33 – Notification of a personal data breach to the supervisory authority</td>
</tr>
<tr>
<td>Art. 34 – Communication of a personal data breach to the data subject</td>
</tr>
</tbody>
</table>

**GENERAL DATA PROTECTION REGULATION (GDPR)**

**RECITALS**

1. Taking into account the state of the art, the cost of implementation and the nature, scope, context and purposes of processing as well as the risks of varying likelihood and severity for rights and freedoms of natural persons posed by the processing, the controller shall, both at the time of the determination of the means for processing and at the time of the processing itself, implement appropriate technical and organisational measures, such as pseudonymisation, which are designed to implement data-protection principles, such as data minimisation, in an effective manner and to integrate the necessary safeguards into the processing in order to meet the requirements of this Regulation and protect the rights of data subjects.

2. The controller shall implement appropriate technical and organisational measures for ensuring that, by default, only personal data which are necessary for each specific purpose of the processing are processed. That obligation applies to the amount of personal data collected, the extent of their processing, the period of their storage and their accessibility. In particular, such measures shall ensure that by default personal data are not made accessible without the individual’s intervention to an indefinite number of natural persons.

3. An approved certification mechanism pursuant to Article 42 may be used as an
Art. 30 GDPR

Records of processing activities

1. Each controller and, where applicable, the controller’s representative, shall maintain a record of processing activities under its responsibility. That record shall contain all of the following information:

   (a) the name and contact details of the controller and, where applicable, the joint controller, the controller’s representative and the data protection officer;

   (b) the purposes of the processing;

   (c) a description of the categories of data subjects and of the categories of personal data;

   (d) the categories of recipients to whom the personal data have been or will be disclosed including recipients in third countries or international organisations:
Art. 32 GDPR

Security of processing

1. Taking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of processing as well as the risk of varying likelihood and severity for the rights and freedoms of natural persons, the controller and the processor shall implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk, including inter alia as appropriate:

   (a) the pseudonymisation and encryption of personal data;

   (b) the ability to ensure the ongoing confidentiality, integrity, availability and resilience of processing systems and services;

   (c) the ability to restore the availability and access to personal data in a timely manner in the event of a physical or technical incident;
Art. 33 GDPR
Notification of a personal data breach to the supervisory authority

1. In the case of a personal data breach, the controller shall without undue delay and, where feasible, not later than 72 hours after having become aware of it, notify the personal data breach to the supervisory authority competent in accordance with Article 55, unless the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons. Where the notification to the supervisory authority is not made within 72 hours, it shall be accompanied by reasons for the delay.

2. The processor shall notify the controller without undue delay after becoming aware of a personal data breach.

3. The notification referred to in paragraph 1 shall at least:
What do you need to do?

- Consent must be intelligible, freely given, revocable. Other bases for processing must be limited in scope (art 5, 6, 7)

- **Subject** (not only user) must be informed, can export data to *portable format*, can require restriction of processing, deletion (in case of consent) and rectification (art 12-22)

- You must have security measures, minimize processing, keep a record of processing activities, and notify authorities in case of a breach (art 25, 30, 32, 33)
Privacy is about setting our users first
As long as we have processed personal data, people have got hurt
Privacy regulations have teeth
Privacy regulations are ... regular
Principles relating to processing of personal data

1. Personal data shall be:

   (a) processed lawfully, fairly and in a transparent manner in relation to the data subject (‘lawfulness, fairness and transparency’);

   (b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89(1), not be considered to be incompatible with the initial purposes (‘purpose limitation’);

   (c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (‘data minimisation’);
Thank you

GDPR affects most applications
Privacy concerns us all
Read the regulation:
https://gdpr-info.eu/art-5-gdpr

johannes.brodwall@soprasteria.com

https://twitter.com/jhannes

mobile era