



Plenary sitting

23.3.2018

cor01

CORRIGENDUM

to 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)
(OJ L 119, 4.5.2016, p. 1-88)

(position of the European Parliament adopted at first reading on 12 March 2014 with a view to the adoption of the above regulation
P7_TA(2014)0212)
(COM(2012)0011 – C7-0025/2012 – 2012/0011(COD))

In accordance with Rule 231 of the European Parliament's Rules of Procedure, the above regulation is corrected as follows:

On page 14, recital (71), fifth and sixth sentences:

for:

"(71) ...

Such measure should not concern a child.

In order to ensure fair and transparent processing in respect of the data subject, taking into account the specific circumstances and context in which the personal data are processed, the controller should use appropriate mathematical or statistical procedures for the profiling, implement technical and organisational measures appropriate to ensure, in particular, that factors which result in inaccuracies in personal data are corrected and the risk of errors is minimised, secure personal data in a manner that takes account of the potential risks involved for the interests and rights of the data subject and that prevents, inter alia, discriminatory effects on natural persons on the basis of racial or ethnic origin, political opinion, religion or beliefs, trade union

membership, genetic or health status or sexual orientation, or that result in measures having such an effect.",

read:

"(71) ...

Such measure should not concern a child. In order to ensure fair and transparent processing in respect of the data subject, taking into account the specific circumstances and context in which the personal data are processed, the controller should use appropriate mathematical or statistical procedures for the profiling, implement technical and organisational measures appropriate to ensure, in particular, that factors which result in inaccuracies in personal data are corrected and the risk of errors is minimised, secure personal data in a manner that takes account of the potential risks involved for the interests and rights of the data subject, and prevent, inter alia, discriminatory effects on natural persons on the basis of racial or ethnic origin, political opinion, religion or beliefs, trade union membership, genetic or health status or sexual orientation, or processing that results in measures having such an effect."

On page 55, point (c) of Article 37(1):

for:

"(c) the core activities of the controller or the processor consist of processing on a large scale of special categories of data pursuant to Article 9 and personal data relating to criminal convictions and offences referred to in Article 10.",

read:

"(c) the core activities of the controller or the processor consist of processing on a large scale of special categories of data pursuant to Article 9 or personal data relating to criminal convictions and offences referred to in Article 10."

On page 58, Article 41(3):

for:

"3. The competent supervisory authority shall submit the draft criteria for accreditation of a body as referred to in paragraph 1 of this Article to the Board pursuant to the consistency mechanism referred to in Article 63.",

read:

"3. The competent supervisory authority shall submit the draft requirements for accreditation of a body as referred to in paragraph 1 of this Article to the Board pursuant to the consistency mechanism referred to in Article 63."

On page 58, Article 41(5):

for:

"5. The competent supervisory authority shall revoke the accreditation of a body as referred to in paragraph 1 if the conditions for accreditation are not, or are no longer, met or where actions taken by the body infringe this Regulation.",

read:

"5. The competent supervisory authority shall revoke the accreditation of a body as referred to in paragraph 1 if the requirements for accreditation are not, or are no longer, met or where actions taken by the body infringe this Regulation."

On page 59, Article 42(7):

for:

"7. Certification shall be issued to a controller or processor for a maximum period of three years and may be renewed, under the same conditions, provided that the relevant requirements continue to be met. Certification shall be withdrawn, as applicable, by the certification bodies referred to in Article 43 or by the competent supervisory authority where the requirements for the certification are not or are no longer met.",

read:

"7. Certification shall be issued to a controller or processor for a maximum period of three years and may be renewed, under the same conditions, provided that the relevant criteria continue to be met. Certification shall be withdrawn, as applicable, by the certification bodies referred to in Article 43 or by the competent supervisory authority where the criteria for the certification are not or are no longer met."

On page 60, Article 43(3), first sentence:

for:

"3. The accreditation of certification bodies as referred to in paragraphs 1 and 2 of this Article shall take place on the basis of criteria approved by the supervisory authority which is competent pursuant to Article 55 or 56 or by the Board pursuant to Article 63. ",

read:

"3. The accreditation of certification bodies as referred to in paragraphs 1 and 2 of this Article shall take place on the basis of requirements approved by the supervisory authority which is competent pursuant to Article 55 or 56 or by the Board pursuant to Article 63. ",

On page 60, Article 43(6):

for:

"6. The requirements referred to in paragraph 3 of this Article and the criteria referred to in Article 42(5) shall be made public by the supervisory authority in an easily accessible form. The supervisory authorities shall also transmit those requirements and criteria to the Board. The Board shall collate all certification mechanisms and data protection seals in a register and shall make them publicly available by any appropriate means.",

read:

"6. The requirements referred to in paragraph 3 of this Article and the criteria referred to in Article 42(5) shall be made public by the supervisory authority in an easily accessible form. The supervisory authorities shall also transmit those requirements and criteria to the Board."

On page 69, point (p) of Article 57(1):

for:

"(p) draft and publish the criteria for accreditation of a body for monitoring codes of conduct pursuant to Article 41 and of a certification body pursuant to Article 43;"

read:

"(p) draft and publish the requirements for accreditation of a body for monitoring codes of conduct pursuant to Article 41 and of a certification body pursuant to Article 43;"

On page 74, point (c) of Article 64(1):

for:

"(c) aims to approve the criteria for accreditation of a body pursuant to Article 41(3) or a certification body pursuant to Article 43(3);"

read:

"(c) aims to approve the requirements for accreditation of a body pursuant to Article 41(3), of a certification body pursuant to Article 43(3) or the criteria for certification referred to in Article 42(5);"

On page 74, Article 64(6), (7) and (8):

for:

"6. The competent supervisory authority shall not adopt its draft decision referred to in paragraph 1 within the period referred to in paragraph 3.

7. The supervisory authority referred to in paragraph 1 shall take utmost account of the opinion of the Board and shall, within two weeks after receiving the opinion,

communicate to the Chair of the Board by electronic means whether it will maintain or amend its draft decision and, if any, the amended draft decision, using a standardised format.

8. Where the supervisory authority concerned informs the Chair of the Board within the period referred to in paragraph 7 of this Article that it does not intend to follow the opinion of the Board, in whole or in part, providing the relevant grounds, Article 65(1) shall apply.",

read:

- "6. The competent supervisory authority referred to in paragraph 1 shall not adopt its draft decision referred to in paragraph 1 within the period referred to in paragraph 3.
7. The competent supervisory authority referred to in paragraph 1 shall take utmost account of the opinion of the Board and shall, within two weeks after receiving the opinion, communicate to the Chair of the Board by electronic means whether it will maintain or amend its draft decision and, if any, the amended draft decision, using a standardised format.
8. Where the competent supervisory authority referred to in paragraph 1 informs the Chair of the Board within the period referred to in paragraph 7 of this Article that it does not intend to follow the opinion of the Board, in whole or in part, providing the relevant grounds, Article 65(1) shall apply."

On page 74, point (a) of Article 65(1):

for:

- "(a) where, in a case referred to in Article 60(4), a supervisory authority concerned has raised a relevant and reasoned objection to a draft decision of the lead authority or the lead authority has rejected such an objection as being not relevant or reasoned. ...";

read:

- "(a) where, in a case referred to in Article 60(4), a supervisory authority concerned has raised a relevant and reasoned objection to a draft decision of the lead supervisory authority and the lead supervisory authority has not followed the objection or has rejected such an objection as being not relevant or reasoned. ...";

On page 76, Article 69(2):

for:

"2. Without prejudice to requests by the Commission referred to in point (b) of Article 70(1) and in Article 70(2), the Board shall, in the performance of its tasks or the exercise of its powers, neither seek nor take instructions from anybody."

read:

"2. Without prejudice to requests by the Commission referred to in Article 70(1) and (2), the Board shall, in the performance of its tasks or the exercise of its powers, neither seek nor take instructions from anybody."

On page 77, point (l) of Article 70(1):

for:

"(l) review the practical application of the guidelines, recommendations and best practices referred to in points (e) and (f);"

read:

"(l) review the practical application of the guidelines, recommendations and best practices;"

On page 77, point (o) of Article 70(1):

for:

"(o) carry out the accreditation of certification bodies and its periodic review pursuant to Article 43 and maintain a public register of accredited bodies pursuant to Article 43(6) and of the accredited controllers or processors established in third countries pursuant to Article 42(7);"

read:

"(o) approve the criteria of certification pursuant to Article 42(5) and maintain a public register of certification mechanisms and data protection seals and marks pursuant to

Article 42(8) and of the certified controllers or processors established in third countries pursuant to Article 42(7);".

On page 77, point (p) of Article 70(1):

for:

"(p) specify the requirements referred to in Article 43(3) with a view to the accreditation of certification bodies under Article 42;"

read:

"(p) approve the requirements referred to in Article 43(3) with a view to the accreditation of certification bodies referred to in Article 43;"