Table of contents

List of abbreviations

List of Recitals of the General Data Protection Regulation

Introduction to the General Data Protection Regulation

1. Introduction

2. The most important compliance steps until the GDPR applies from May 25, 2018

3. Basic terms of the GDPR

4. The scope of the GDPR
   4.1 Material scope – What processing activities are covered?
   4.2 Personal scope – Who does the GDPR apply to?
   4.3 Territorial scope – Where does the GDPR apply?

5. The relationship with national data protection laws

6. The principles relating to the processing of personal data

7. Legal basis requirement for any data processing activity
   7.1 Available legal bases
   7.2 Requirements for valid consent

8. Information obligations and privacy notices

9. Rights of the data subject

10. Profiling and automated individual decision-making

11. Data protection compliance program
   11.1 Organizational measures including data protection strategies
   11.2 Technical measures including privacy by design and by default

12. Maintaining a record of processing activities

13. Data protection impact assessment and consultation obligation with supervisory authority

14. Data protection officer

15. Data security
   15.1 Mandatory data security measures
   15.2 Obligation to notify personal data breaches

16. Mandatory arrangements between joint controllers
17. Obligations in case of outsourcing

18. International data transfers
   18.1 Transfers not subject to notification or approval
   18.2 Transfers subject to notification
   18.3 Transfers subject to approval

19. International jurisdiction of supervisory authorities

20. Administrative fines and other sanctions

21. Civil liability and private enforcement

Text of the General Data Protection Regulation and commentary

Chapter I – General Provisions
   Article 1 Subject-matter and objectives
   Article 2 Material scope
   Article 3 Territorial scope
   Article 4 Definitions

Chapter II – 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
   Article 11 Processing which does not require identification

Chapter III – Rights of the data subject

Section 1 – Transparency and modalities
   Article 12 Transparent information, communication and modalities for the exercise of the rights of the data subject

Section 2 – Information and access to personal data
   Article 13 Information to be provided where personal data are collected from the data subject
   Article 14 Information to be provided where personal data have not been obtained from the data subject
   Article 15 Right of access by the data subject

Section 3 – Rectification and erasure
   Article 16 Right to rectification
   Article 17 Right to erasure ('right to be forgotten')
   Article 18 Right to restriction of processing
   Article 19 Notification obligation regarding rectification or erasure of personal data or restriction of processing
   Article 20 Right to data portability

Section 4 – Right to object and automated individual decision-making
   Article 21 Right to object
   Article 22 Automated individual decision-making, including profiling
Section 5 – Restrictions
Article 23 Restrictions

Chapter IV – Controller and processor

Section 1 – General obligations
Article 24 Responsibility of the controller
Article 25 Data protection by design and by default
Article 26 Joint controllers
Article 27 Representatives of controllers or processors not established in the Union
Article 28 Processor
Article 29 Processing under the authority of the controller or processor
Article 30 Records of processing activities
Article 31 Cooperation with the supervisory authority

Section 2 – Security of personal data
Article 32 Security of processing
Article 33 Notification of a personal data breach to the supervisory authority
Article 34 Communication of a personal data breach to the data subject

Section 3 – Data protection impact assessment and prior consultation
Article 35 Data protection impact assessment
Article 36 Prior consultation

Section 4 – Data protection officer
Article 37 Designation of the data protection officer

Article 38 Position of the data protection officer
Article 39 Tasks of the data protection officer

Section 5 – Codes of conduct and certification
Article 40 Codes of conduct
Article 41 Monitoring of approved codes of conduct
Article 42 Certification
Article 43 Certification bodies

Chapter V – Transfers of personal data to third countries or international organisations
Article 44 General principle for transfers
Article 45 Transfers on the basis of an adequacy decision
Article 46 Transfers subject to appropriate safeguards
Article 47 Binding corporate rules
Article 48 Transfers or disclosures not authorised by Union law
Article 49 Derogations for specific situations
Article 50 International cooperation for the protection of personal data

Chapter VI – Independent supervisory authorities

Section 1 – Independent status
Article 51 Supervisory authority
Article 52 Independence
Article 53 General conditions for the members of the supervisory authority
Article 54 Rules on the establishment of the supervisory authority
Section 2 – Competence, tasks and powers
Article 55 Competence
Article 56 Competence of the lead supervisory authority
Article 57 Tasks
Article 58 Powers
Article 59 Activity reports

Chapter VII – Cooperation and consistency

Section 1 – Cooperation
Article 60 Cooperation between the lead supervisory authority and the other supervisory authorities concerned
Article 61 Mutual assistance
Article 62 Joint operations of supervisory authorities

Section 2 – Consistency
Article 63 Consistency mechanism
Article 64 Opinion of the Board
Article 65 Dispute resolution by the Board
Article 66 Urgency procedure
Article 67 Exchange of information

Section 3 – European data protection board
Article 68 European Data Protection Board
Article 69 Independence
Article 70 Tasks of the Board
Article 71 Reports
Article 72 Procedure
Article 73 Chair
Article 74 Tasks of the Chair
Article 75 Secretariat
Article 76 Confidentiality

Chapter VIII – Remedies, liability and penalties
Article 77 Right to lodge a complaint with a supervisory authority
Article 78 Right to an effective judicial remedy against a supervisory authority
Article 79 Right to an effective judicial remedy against a controller or processor
Article 80 Representation of data subjects
Article 81 Suspension of proceedings
Article 82 Right to compensation and liability
Article 83 General conditions for imposing administrative fines
Article 84 Penalties

Chapter IX – Provisions relating to specific processing situations
Article 85 Processing and freedom of expression and information
Article 86 Processing and public access to official documents
Article 87 Processing of the national identification number
Article 88 Processing in the context of employment
Article 89 Safeguards and derogations relating to processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes
Article 90 Obligations of secrecy
Article 91 Existing data protection rules of churches and religious associations

Chapter X – Delegated acts and implemented acts
Article 92 Exercise of the delegation
Article 93 Committee procedure
Chapter XI – Final provisions

Article 94  Repeal of Directive 95/46/EC
Article 95  Relationship with Directive 2002/58/EC
Article 96  Relationship with previously concluded Agreements
Article 97  Commission reports
Article 98  Review of other Union legal acts on data protection
Article 99  Entry into force and application

Keyword Index