Artykuły RODO, które będą przedmiotem dyskusji w dniu 16 lipca 2013 r.:		
Stanowisko IAB Polska		
Obecne brzmienie	**Proponowana zmiana**	**Komentarze**
Article 18 ***Right to data portability*** 1. (…) 2. Where the data subject has provided personal data and the processing, (…) based on consent or on a contract, is <u>carried on in an automated processing system provided by an information society service</u>, the data subject shall have the right to <u>withdraw these data</u> <u>in a form which permits the data subject to transmit them into another automated processing system without hindrance from the controller from whom the personal data are withdrawn</u> . <u>2a.</u> <u>The right referred to in paragraph 2 shall be without prejudice to intellectual property rights</u>. [3. The Commission may specify (…) the technical standards, modalities and procedures for the transmission of personal data pursuant to paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).] **4. [The rights provided for in this Article do not apply when**	**(…)**	**Opowiadamy się za usunięciem prawa do przenoszenia danych.**

data are processed only for historical, statistical, or scientific purposes and the conditions in Article 83(1a) are met .].		
PROPOZYCJA A *Article 44* ***Derogations*** 1. In the absence of an adequacy decision pursuant to Article 41 or of appropriate safeguards pursuant to Article 42, a transfer or a set of transfers of personal data to a third country or an international organisation may take place only on condition that: (a) - (c)... (d) the transfer is necessary for important grounds of public interest; or (f) - (h)... (i) a prior authorisation pursuant to Article 34, paragraph 1, has been issued for the transfer 4. Points (b), (c), (h) and (i) of paragraph 1 shall not apply to activities carried out by public authorities in the exercise of	(a) The data subject has consent to the proposed transfer, after having been provided with the relevant legal information concerning the risks of such transfers due to the absence of an adequacy decision and appropriate safeguards; or (e) the transfer is necessary for the establishment, exercise or	**Popieramy propozycję B, uzupełnioną o przesłankę dochodzenia roszczeń.**

their public powers.	defence of legal claims ;
5. The public interest referred to in point (d) of paragraph 1 must be recognised in Union law or in the law of the Member State, or in an international agreement to which the controller is subject. Member State law may designate a public interest of special importance which opposes data transfers to recipients outside the European Union, the European Economic Area, or outside third countries, territories or processing sectors thereof or international organisations that have obtained an adequacy decision pursuant to Article 41.	
7. Deleted.	

PROPOZYCJA B

Article 44.º
Paragraph a)
"The data subject has consent to the proposed transfer, **after having been provided with the relevant legal information concerning** the risks of such transfers due to the absence of an adequacy decision and appropriate safeguards; or".

Paragraph d) "**The transfer is necessary for reasons of a fundamental public interest as defined by law.** **Member States will provide the Commission with information regarding the maters on whose ground, according to their applicable law, the fundamental public interest will be invoked.**"		

Article 83
Processing for historical, statistical and scientific (…) purposes
 	
1.   **(…) Personal data may be processed for historical, statistical or scientific (…) purposes only if:**
 	
    (a)   **these purposes cannot be otherwise fulfilled by processing data which does not permit or not any longer permit the identification of the data subject;**
 	
    (b)   **data enabling the attribution of information to an identified or identifiable data subject is kept separately from the other information as long as these purposes can be fulfilled in this manner.**
	1. (…) Personal data may be processed for historical, statistical or scientific (…) purposes only if:
	
	(a) **(…)**;
	(b) data enabling the attribution of information to an identified or identifiable data subject is kept separately from the other information as long as these purposes can be fulfilled in this manner.
		Uważamy za zasadne dodanie wyjaśnienia czym są cele, w szczególności cele historyczne i statystyczne.

1a. **The provisions and exceptions for historical, statistical, and scientific purposes within the limits of this Regulation shall apply only on condition:** **(a) that the data on any particular individual are not processed to support measures or decisions with respect to that individual, and** **(b) that the data are not processed in such a way that substantial damage or substantial distress is, or is likely to be, caused to any data subject.** **2. Personal data <u>processed for</u> historical, statistical or scientific (…) purposes may <u>be</u> publish<u>ed</u> or otherwise publicly disclosed (…) only if:** **(a) the data subject has given consent, subject to the conditions laid down in Article 7;** **(b) the publication of personal data is necessary to present research findings or to facilitate research insofar as the interests or the fundamental rights or freedoms of the data subject do not override these interests; or** **(c) the data subject has made the data public.**	(…) exceptions for historical, statistical, and scientific purposes within the limits of this Regulation shall apply only on condition:	

3. **The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and requirements for the processing of personal data for the purposes referred to in paragraph 1 and 2 as well as any necessary limitations on the rights of information to and access by the data subject and detailing the conditions and safeguards for the rights of the data subject under these circumstances.**	(…)