

Annex

Information that must be provided to a data subject under Article 13 or Article 14

Required Information Type	Relevant article (if personal data collected directly from data subject)	Relevant article (if personal data not obtained from the data subject)	WP29 comments on information requirement
The identity and contact details of the controller and, where applicable, their representative ⁵⁹	Article 13.1(a)	Article 14.1(a)	This information should allow for easy identification of the controller and preferably allow for different forms of communications with the data controller (e.g. phone number, email, postal address, etc.)
Contact details for the data protection officer, where applicable	Article 13.1(b)	Article 14.1(b)	See WP29 Guidelines on Data Protection Officers ⁶⁰
The purposes and legal basis for the processing	Article 13.1(c)	Article 14.1(c)	In addition to setting out the purposes of the processing for which the personal data is intended, the relevant legal basis relied upon under Article 6 must be specified. In the case of special categories of personal data, the relevant provision of Article 9 (and where relevant, the applicable Union or Member State law under which the data is processed) should be specified. Where, pursuant to Article 10, personal data relating to criminal convictions and offences or related security

⁵⁹ As defined by Article 4.17 of the GDPR (and referenced in Recital 80), “representative” means a natural or legal person established in the EU who is designated by the controller or processor in writing under Article 27 and represents the controller or processor with regard to their respective obligations under the GDPR. This obligation applies where, in accordance with Article 3.2, the controller or processor is not established in the EU but processes the personal data of data subjects who are in the EU, and the processing relates to the offer of goods or services to, or monitoring of the behaviour of, data subjects in the EU.

⁶⁰ Guidelines on Data Protection Officers, WP243 rev.01, last revised and adopted on 5 April 2017

			measures based on Article 6.1 is processed, where applicable the relevant Union or Member State law under which the processing is carried out should be specified.
Where legitimate interests (Article 6.1(f)) is the legal basis for the processing, the legitimate interests pursued by the data controller or a third party	Article 13.1(d)	Article 14.2(b)	The specific interest in question must be identified for the benefit of the data subject. As a matter of best practice, the controller can also provide the data subject with the information from the <i>balancing test</i> , which must be carried out to allow reliance on Article 6.1(f) as a lawful basis for processing, in advance of any collection of data subjects' personal data. To avoid information fatigue, this can be included within a layered privacy statement/ notice (see paragraph 35). In any case, the WP29 position is that information to the data subject should make it clear that they can obtain information on the balancing test upon request. This is essential for effective transparency where data subjects have doubts as to whether the balancing test has been carried out fairly or they wish to file a complaint with a supervisory authority.
Categories of personal data concerned	Not required	Article 14.1(d)	This information is required in an Article 14 scenario because the personal data has not been obtained from the data subject, who therefore lacks an awareness of which categories of their personal data the data controller has obtained.

Recipients ⁶¹ (or categories of recipients) of the personal data	Article 13.1(e)	Article 14.1(e)	<p>The term “recipient” is defined in Article 4.9 as “a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not” [emphasis added]. As such, a recipient does not have to be a third party. Therefore, other data controllers, joint controllers and processors to whom data is transferred or disclosed are covered by the term “recipient” and information on such recipients should be provided in addition to information on third party recipients.</p> <p>The actual (named) recipients of the personal data, or the categories of recipients, must be provided. In accordance with the principle of fairness, controllers must provide information on the recipients that is most meaningful for data subjects. In practice, this will generally be the named recipients, so that data subjects know exactly who has their personal data. If controllers opt to provide the categories of recipients, the information should be as specific as possible by indicating the type of recipient (i.e. by reference to the activities it carries out), the industry, sector and sub-sector and the location of the recipients.</p>
Details of transfers to third countries, the fact of same and the details of the relevant	Article 13.1(f)	Article 14.1(f)	The relevant GDPR article permitting the transfer and the corresponding mechanism (e.g. adequacy decision under Article

⁶¹ As defined by Article 4.9 of the GDPR and referenced in Recital 31

<p>safeguards⁶² (including the existence or absence of a Commission adequacy decision⁶³) and the means to obtain a copy of them or where they have been made available</p>			<p>45/ binding corporate rules under Article 47/ standard data protection clauses under Article 46.2/ derogations and safeguards under Article 49 etc.) should be specified. Information on where and how the relevant document may be accessed or obtained should also be provided e.g. by providing a link to the mechanism used. In accordance with the principle of fairness, the information provided on transfers to third countries should be as meaningful as possible to data subjects; this will generally mean that the third countries be named.</p>
<p>The storage period (or if not possible, criteria used to determine that period)</p>	<p>Article 13.2(a)</p>	<p>Article 14.2(a)</p>	<p>This is linked to the data minimisation requirement in Article 5.1(c) and storage limitation requirement in Article 5.1(e). The storage period (or criteria to determine it) may be dictated by factors such as statutory requirements or industry guidelines but should be phrased in a way that allows the data subject to assess, on the basis of his or her own situation, what the retention period will be for specific data/ purposes. It is not sufficient for the data controller to generically state that personal data will be kept as long as necessary for the legitimate purposes of the processing. Where relevant, the different storage periods should be stipulated for different</p>

⁶² As set out in Article 46.2 and 46.3

⁶³ In accordance with Article 45

			categories of personal data and/or different processing purposes, including where appropriate, archiving periods.
<p>The rights of the data subject to:</p> <ul style="list-style-type: none"> • access; • rectification; • erasure; • restriction on processing; • objection to processing and • portability. 	Article 13.2(b)	Article 14.2(c)	<p>This information should be specific to the processing scenario and include a summary of what the right involves and how the data subject can take steps to exercise it and any limitations on the right (see paragraph 68 above).</p> <p>In particular, the right to object to processing must be explicitly brought to the data subject's attention at the latest at the time of first communication with the data subject and must be presented clearly and separately from any other information.⁶⁴</p> <p>In relation to the right to portability, see WP29 Guidelines on the right to data portability.⁶⁵</p>
Where processing is based on consent (or explicit consent), the right to withdraw consent at any time	Article 13.2(c)	Article 14.2(d)	This information should include how consent may be withdrawn, taking into account that it should be as easy for a data subject to withdraw consent as to give it. ⁶⁶
The right to lodge a complaint with a supervisory authority	Article 13.2(d)	Article 14.2(e)	This information should explain that, in accordance with Article 77, a data subject has the right to lodge a complaint with a supervisory authority, in particular in the Member State of his or her habitual residence, place of work or of an alleged infringement of the GDPR.
Whether there is a statutory or contractual requirement to provide the information or whether it is necessary to	Article 13.2(e)	Not required	For example in an employment context, it may be a contractual requirement to provide certain

⁶⁴ Article 21.4 and Recital 70 (which applies in the case of direct marketing)

⁶⁵ Guidelines on the right to data portability, WP 242 rev.01, last revised and adopted on 5 April 2017

⁶⁶ Article 7.3

enter into a contract or whether there is an obligation to provide the information and the possible consequences of failure.			information to a current or prospective employer. Online forms should clearly identify which fields are “required”, which are not, and what will be the consequences of not filling in the required fields.
The source from which the personal data originate, and if applicable, whether it came from a publicly accessible source	Not required	Article 14.2(f)	The specific source of the data should be provided unless it is not possible to do so – see further guidance at paragraph 60. If the specific source is not named then information provided should include: the nature of the sources (i.e. publicly/ privately held sources) and the types of organisation/ industry/ sector.
The existence of automated decision-making including profiling and, if applicable, meaningful information about the logic used and the significance and envisaged consequences of such processing for the data subject	Article 13.2(f)	Article 14.2(g)	See WP29 Guidelines on automated individual decision-making and Profiling. ⁶⁷

⁶⁷ Guidelines on Automated individual decision-making and Profiling for the purposes of Regulation 2016/679, WP 251