

Commission Decision (EU) 2019/1862 of 6 November 2019 laying down internal rules in relation to the provision of information to data subjects and the restrictions of certain of their rights in the context of the processing of personal data by the Commission in the Union system to prevent, deter and eliminate illegal, unreported and unregulated fishing

Article 2

Applicable exceptions and restrictions

1 Where the Commission exercises its duties with respect to the data subjects' rights pursuant to Regulation (EU) 2018/1725, it shall consider whether any of the exceptions laid down in that Regulation apply.

2 Where the exercise of the rights and obligations provided for in Articles 14 to 17, 19, 20 and 35 of Regulation (EU) 2018/1725 in relation to personal data processed by the Commission would jeopardise the purpose of the Commission's analyses and procedures with regard to IUU fishing, including by revealing its tools and methods, or would adversely affect the rights and freedoms of other data subjects, the Commission may restrict the application of:

- a Articles 14 to 17, 19, 20 and 35 of Regulation (EU) 2018/1725; and
- b the principle of transparency laid down in Article 4(1)(a) of that Regulation insofar as its provisions correspond to the rights and obligations provided for in Articles 14 to 17, 19, 20 and 35 of Regulation (EU) 2018/1725.

3 The Commission may restrict the rights and obligations referred to in paragraph 2 of this Article in relation to personal data obtained from other Union institutions, bodies, agencies and offices, competent authorities of Member States or third countries, international organisations or anonymous or identified sources in the following circumstances:

- a where the exercise of those rights and obligations in respect of the personal data obtained from another Union institution, body, agency or office could be restricted by that other Union institution, body, agency or office on the basis of legal acts referred to in Article 25 of Regulation (EU) 2018/1725, or in accordance with Chapter IX of that Regulation; with Regulation (EU) 2016/794 of the European Parliament and of the Council⁽¹⁾ or with Council Regulation (EU) 2017/1939⁽²⁾;
- b where the exercise of those rights and obligations in respect of the personal data obtained from a competent authority of a Member State could be restricted by competent authorities of that Member State on the basis of acts referred to in Article 23 of Regulation (EU) 2016/679 of the European Parliament and of the Council⁽³⁾ or under national measures transposing Articles 13(3), 15(3) or 16(3) of Directive (EU) 2016/680 of the European Parliament and of the Council⁽⁴⁾;
- c where the exercise of those rights and obligations could jeopardise the Commission's cooperation with third countries or international organisations with regard to IUU fishing.

Before applying restrictions in the circumstances referred to in points (a) and (b) of the first subparagraph, the Commission shall consult the relevant Union institutions, bodies, agencies or competent authorities of the Member States unless it is clear to the Commission that the application of a restriction is provided for by one of the acts referred to in those points.

Changes to legislation: There are currently no known outstanding effects for the Commission Decision (EU) 2019/1862, Article 2. (See end of Document for details)

Point (c) of the first subparagraph shall not apply where the interest of the Commission to cooperate with third countries or international organisations is overridden by the interests or fundamental rights and freedom of the data subject.

- 4 Paragraphs 1, 2 and 3 shall be without prejudice to
- a the application of other Commission decisions laying down internal rules concerning the provision of information to data subjects and the restrictions of certain rights under Article 25 of Regulation (EU) 2018/1725;
 - b Article 23 of the Rules of Procedure of the Commission.

Paragraphs 2 and 3 shall apply subject to Articles 3 and 7 of this Decision.

- 5 Any restriction of the application of rights and obligations, referred to in paragraph 2 of this Article, shall be necessary and proportionate taking into account the risks to the rights and freedoms of data subjects.

Changes to legislation: There are currently no known outstanding effects for the Commission Decision (EU) 2019/1862, Article 2. (See end of Document for details)

- (1) Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).
- (2) Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).
- (3) 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).
- (4) Directive (EU) 2016/680 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 by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

Changes to legislation:

There are currently no known outstanding effects for the Commission Decision (EU) 2019/1862, Article 2.