

Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (repealed)

## CHAPTER II

### GENERAL RULES ON THE LAWFULNESS OF THE PROCESSING OF PERSONAL DATA

#### SECTION 5

#### RIGHTS OF THE DATA SUBJECT

##### *Article 13*

##### **Right of access**

The data subject shall have the right to obtain, without constraint, at any time within three months from the receipt of the request and free of charge from the controller:

- (a) confirmation as to whether or not data related to him or her are being processed;
- (b) information at least as to the purposes of the processing operation, the categories of data concerned, and the recipients or categories of recipients to whom the data are disclosed;
- (c) communication in an intelligible form of the data undergoing processing and of any available information as to their source;
- (d) knowledge of the logic involved in any automated decision process concerning him or her.

##### *Article 14*

##### **Rectification**

The data subject shall have the right to obtain from the controller the rectification without delay of inaccurate or incomplete personal data.

##### *Article 15*

##### **Blocking**

1 The data subject shall have the right to obtain from the controller the blocking of data where:

- a their accuracy is contested by the data subject, for a period enabling the controller to verify the accuracy, including the completeness, of the data, or;

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*Status: Point in time view as at 01/02/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 45/2001 of the European Parliament and of the Council (repealed), SECTION 5. (See end of Document for details)*

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- b the controller no longer needs them for the accomplishment of its tasks but they have to be maintained for purposes of proof, or;
- c the processing is unlawful and the data subject opposes their erasure and demands their blocking instead.

2 In automated filing systems blocking shall in principle be ensured by technical means. The fact that the personal data are blocked shall be indicated in the system in such a way that it becomes clear that the personal data may not be used.

3 Personal data blocked pursuant to this Article shall, with the exception of their storage, only be processed for purposes of proof, or with the data subject's consent, or for the protection of the rights of a third party.

4 The data subject who requested and obtained the blocking of his or her data shall be informed by the controller before the data are unblocked.

#### *Article 16*

##### **Erasure**

The data subject shall have the right to obtain from the controller the erasure of data if their processing is unlawful, particularly where the provisions of Sections 1, 2 and 3 of Chapter II have been infringed.

#### *Article 17*

##### **Notification to third parties**

The data subject shall have the right to obtain from the controller the notification to third parties to whom the data have been disclosed of any rectification, erasure or blocking pursuant to Articles 13 to 16 unless this proves impossible or involves a disproportionate effort.

#### *Article 18*

##### **The data subject's right to object**

The data subject shall have the right:

- (a) to object at any time, on compelling legitimate grounds relating to his or her particular situation, to the processing of data relating to him or her, except in the cases covered by Article 5(b), (c) and (d). Where there is a justified objection, the processing in question may no longer involve those data;
- (b) to be informed before personal data are disclosed for the first time to third parties or before they are used on their behalf for the purposes of direct marketing, and to be expressly offered the right to object free of charge to such disclosure or use.

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## Article 19

### **Automated individual decisions**

The data subject shall have the right not to be subject to a decision which produces legal effects concerning him or her or significantly affects him or her and which is based solely on automated processing of data intended to evaluate certain personal aspects relating to him or her, such as his or her performance at work, reliability or conduct, unless the decision is expressly authorised pursuant to national or Community legislation or, if necessary, by the European Data Protection Supervisor. In either case, measures to safeguard the data subject's legitimate interests, such as arrangements allowing him or her to put his or her point of view, must be taken.

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**Changes to legislation:**

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