



EN

Article 5.

Principles relating to processing of personal data

Article 5.

1. Personal data shall be:

(a) processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency');

Recitals

(39) Any processing of personal data should be lawful and fair. It should be transparent to natural persons that personal data concerning them are collected, used, consulted or otherwise processed and to what extent the personal data are or will be processed. The principle of transparency requires that any information and communication relating to the processing of those personal data be easily accessible and easy to understand, and that clear and plain language be used. That principle concerns, in particular, information to the data subjects on the identity of the controller and the purposes of the processing and further information to ensure fair and transparent processing in respect of the natural persons concerned and their right to obtain confirmation and communication of personal data concerning them which are being processed. Natural persons should be made aware of risks, rules, safeguards and rights in relation to the processing of personal data and how to exercise their rights in relation to such processing. In particular, the specific purposes for which personal data are processed should be explicit and legitimate and determined at the time of the collection of the personal data. The personal data should be adequate, relevant and limited to what is necessary for the purposes for which they are processed. This requires, in particular, ensuring that the period for which the personal data are stored is limited to a strict minimum. Personal data should be processed only if the purpose of the processing could not reasonably be fulfilled by other means. In order to ensure that the personal data are not kept longer than necessary, time limits should be established by the controller for erasure or for a periodic review. Every reasonable step should be taken to ensure that personal data which are inaccurate are rectified or deleted. Personal data should be processed in a manner that ensures appropriate security and confidentiality of the personal data, including for preventing unauthorised access to or use of personal data and the equipment used for the processing.

Guidelines & Case Law

EDPB, [Guidelines 8/2020 on the targeting of social media users](#) (2020).

(b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89(1), not be considered to be incompatible with the initial purposes ('purpose limitation');

Guidelines & Case Law

WP29, [Opinion 03/2013 on purpose limitation](#) (2013).

EDPB, [Guidelines on the use of location data and contact tracing tools in the context of the COVID-19 outbreak](#) (2020).

EDPB, [Guidelines 8/2020 on the targeting of social media users](#) (2020).

(c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');

Guidelines & Case Law

EDPB, [Guidelines on the use of location data and contact tracing tools in the context of the COVID-19 outbreak](#) (2020).

European Commission, [Guidance on Apps supporting the fight against COVID 19 pandemic in relation to data protection](#) Brussels (2020).

(d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');

(e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject ('storage limitation');

Guidelines & Case Law

Article 29 Working Party, [Opinion 1/2008 on data protection issues related to search engines](#) (2008).

In view of the initial explanations given by *search engine providers* on the possible purposes for collecting personal data, the Working Party does not see a basis for a retention period beyond *6 months*.

In case search engine providers retain personal data longer than 6 months, they will have to demonstrate comprehensively that it is strictly necessary for the service.

European Commission, [Guidance on Apps supporting the fight against COVID 19 pandemic in relation to data protection Brussels](#) (2020).

(f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality').

Guidelines & Case Law

European Commission, [Guidance on Apps supporting the fight against COVID 19 pandemic in relation to data protection Brussels](#) (2020).

2. The controller shall be responsible for, and be able to demonstrate compliance with, paragraph 1 ('accountability').

Recitals

(82) In order to demonstrate compliance with this Regulation, the controller or processor should maintain records of processing activities under its responsibility. Each controller and processor should be obliged to cooperate with the supervisory authority and make those records, on request, available to it, so that it might serve for monitoring those processing operations.

Guidelines & Case Law

WP29, [Opinion 3/2010 on the principle of accountability](#) (2010).

EDPB, [Guidelines on the use of location data and contact tracing tools in the context of the COVID-19 outbreak](#) (2020).

General Data Protection Regulation (EU GDPR)

The latest consolidated version of the Regulation with corrections by Corrigendum, OJ L 127, 23.5.2018, p. 2 ((EU) 2016/679). Source: EUR-lex.

Related information Article 5. Principles relating to processing of personal data

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Guidelines & Case Law

Documents

ICO, *Accountability Framework*

WP29, *Opinion on data processing at work* (2017).

EDPB, *Guidelines 3/2019 on Processing of Personal Data through Video Devices* (2020).



DPC (Ireland), [Guidance for Individuals who Accidentally Receive Personal data](#) (2020).

EDPB, [Guidelines 02/2021 on Virtual Voice Assistants](#) (2021).

Case Law

ECHR, *López Ribalda v. Spain, nos 1874/13 and 8567/13* (2019).

Belgian DPA Fines Belgian Telecommunications Provider for Several Data Protection Infringements, (2020) – brief description in [English](#).

Norwegian DPA, [Issues fine to Aquateknikk AS](#) (2021).

Norwegian DPA, [Intention to issue € 10 million fine to Grindr LLC](#) (2021).
