

Article 8(2) – Protection of Information...: Text, Redraft, and Amendments 93-100 to the ePR

<i>Commission's Text</i>	<i>Council's Redraft</i>	<i>Parliament's Amendments</i>
<p>2. The collection of information emitted by terminal equipment to enable it to connect to another device and, or to network equipment shall be prohibited, except if:</p> <p>(a) it is done exclusively in order to, for the time necessary for, and for the purpose of establishing a connection; or</p> <p>(b) <i>a clear and prominent notice is displayed informing of, at least, the modalities of the collection, its purpose, the person responsible for it and the other information required under Article 13 of Regulation (EU) 2016/679 where personal data are collected, as well as any measure the end-user of the terminal equipment can take to stop or minimise the collection. The collection of such information shall be conditional on the application of appropriate technical and organisational measures to ensure a level of security appropriate to the risks, as set out in Article 32 of Regulation (EU) 2016/679, have been applied.</i></p>	<p>2. The collection of information emitted by terminal equipment of the end-user to enable it to connect to another device and, or to network equipment shall be prohibited, except if on the following grounds:</p> <p>(a) it is done exclusively in order to, for the time necessary for, and for the purpose of establishing a connection; or</p> <p>(b) the end-user has given his or her consent; or</p> <p>(c) it is necessary for the purpose of statistical counting that is limited in time and space to the extent necessary for this purpose and the data is made anonymous or erased as soon as it is no longer needed for this purpose.</p>	<p>2. The processing of information emitted by terminal equipment to enable it to connect to another device and, or to network equipment shall be prohibited, except if:</p> <p>(a) it is done exclusively in order to, for the time necessary for, and for the sole purpose of establishing a connection <i>requested by the user</i>; or</p> <p><i>(aa) the user has been informed and has given consent; or</i></p> <p><i>(ab) the risks are mitigated</i></p> <p>(b) [deleted]</p>
	<p>(b)2a. For the purpose of paragraph 2 points (b) and (c), a clear and prominent notice is shall be displayed informing of, at least, the modalities of the collection, its purpose, the person responsible for it and the other information required under Article 13 of Regulation (EU) 2016/679 where personal data are collected, as well as any measure the end-user of the terminal equipment can take to stop or minimise the collection.</p>	<p>2a. For the purpose of points (d) of paragraph 1 and (ab) of paragraph 2, the following controls shall be implemented to mitigate the risks:</p> <p>(a) <i>the purpose of the data collection from the terminal equipment shall be restricted to mere statistical counting; and</i></p> <p>(b) <i>the processing shall be limited in time and space to the extent strictly necessary for this purpose; and</i></p> <p>(c) <i>the data shall be deleted or anonymised immediately after the purpose is fulfilled; and</i></p> <p>(d) <i>the users shall be given effective</i></p>

2b. For the purpose of paragraph 2 points (b) and (c), the collection of such information shall be conditional on the application of appropriate technical and organisational measures to ensure a level of security appropriate to the risks, as set out in Article 32 of Regulation (EU) 2016/679, have been applied.

2b. The information referred to in points (aa) and (ab) of paragraph 2 shall be conveyed in a clear and prominent notice setting out, at the least, details of how the information will be collected, the purpose of processing, the person responsible for it and other information required under Article 13 of Regulation (EU) 2016/679, where personal data are collected. The collection of such information shall be conditional on the application of appropriate technical and organisational measures to ensure a level of security appropriate to the risks, as set out in Article 32 of Regulation (EU) 2016/679.
