RIKKA LAW GROUP

GDPR Privacy Policy Requirements (Articles 12, 13, 14):

What Needs to Be In The Privacy Policy?

- ☐ **1. A controller must provide the following information to data subjects when personal data is collected <u>from the data subject</u>** (Article 13):
  - ☐ (a) The identity and the contact details of the controller and, where applicable, of the controller's representative;
  - ☐ (b) The contact details of the data protection officer, where applicable (Article 37);
  - ☐ (c) The purposes of the processing for which the personal data are intended as well as the legal basis for the processing
  - ☐ (d) Where the processing is based on the legitimate interests pursued by the controller or by a third party as described in Article 6(1)(f);
  - ☐ (e) The recipients or categories of recipients of the personal data, if any;
  - ☐ (f) The fact that the controller intends to transfer personal data to a third country or international organization

- ☐ the existence or absence of an adequacy decision by the Commission,
- ☐ or in the case of transfers subject to the standard contractual clauses or binding corporate rules referred to in Article 46 or 47, the appropriate or suitable safeguards applied by the controller and where they are available.

☐ **2. Additionally, the controller must provide when the personal data are obtained:** (Article 13):

- ☐ (a) The period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period;
- ☐ (b) The right to request from the controller access to and rectification or erasure of personal data or restriction of processing concerning the data subject or to object to processing as well as the right to data portability;
- ☐ (c) Where the processing is based on legitimate interests pursued by the controller or third party, or a data subject has explicitly consented to processing of special category data, the existence of the right to withdraw consent at any time;
- ☐ (d) The right to lodge a complaint with a supervisory authority;
- ☐ (e) Whether the provision of personal data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, as well as whether the data subject is obliged to provide the personal data and of the possible consequences of failure to provide such data;
- ☐ (f) The existence of automated decision-making, including profiling, and provide meaningful information about the logic involved, as well as the significance and potential consequences of such processing for the data subject.

- ☐ 3. **Where personal data have <u>not</u> been obtained from the data subject, the controller shall provide the data subject with the following information** (Article 14)**:**
  - ☐ (a) The identity and the contact details of the controller and, where applicable, of the controller's representative;
  - ☐ (b) The contact details of the data protection officer, where applicable;
  - ☐ (c) The purposes of the processing for which the personal data are intended as well as the legal basis for the processing;
  - ☐ (d) The categories of personal data concerned;
  - ☐ (e) The recipients or categories of recipients of the personal data, if any;
  - ☐ (f) The fact that the controller intends to transfer personal data to a third country or international organization
    - ☐ the existence or absence of an adequacy decision by the Commission,
    - ☐ or in the case of transfers subject to the standard contractual clauses or binding corporate rules referred to in Article 46 or 47, the appropriate or suitable safeguards applied by the controller and where they are available.

- ☐ 4. **In addition to the information referred to above, the controller shall provide the data subject with the following information necessary to ensure fair and transparent processing in respect of the data subject** (Article 14):

- ☐ (a) The period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period;
- ☐ (b) Where the processing is based on point the legitimate interests pursued by the controller or by a third party;
- ☐ (c) The existence of the right to request from the controller access to and rectification or erasure of personal data or restriction of processing concerning the data subject and to object to processing as well as the right to data portability;
- ☐ (d) Where processing is based on the legitimate interests pursued by the controller or by a third party or or a data subject has explicitly consented to processing of special category data, the existence of the right to withdraw consent at any time;
- ☐ (e) The right to lodge a complaint with a supervisory authority;
- ☐ (f) From which source the personal data originate, and if applicable, whether it came from publicly accessible sources;
- ☐ (g) The existence of automated decision-making, including profiling, and provide meaningful information about the logic involved, as well as the significance and potential consequences of such processing for the data subject.

How Does The Privacy Policy Need To Be Provided?

- ☐ The controller shall take appropriate measures to provide any information relating to processing to the data subject in a: concise, transparent, intelligible, and easily accessible form, using clear and plain language especially when addressing a child. (Article 12 (1))

- ☐ The information shall be provided in writing, or by other means, including electronically.
- ☐ When information is requested by the data subject orally, the information may be provided orally once the data subject's identification is verified. (Article 12)
- ☐ The Privacy Policy may be provided in combination with standardized icons in order to give in an easily visible, intelligible, and clearly legible manner. (Article 12 (7))
- ☐ Information provided under the Privacy Policy and any actions the controller takes to satisfy data subject rights will be free of charge. (Article 12 (5))