



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 28 May 2013

**Interinstitutional File:
2012/0011 (COD)**

**9398/1/13
REV 1 ADD 1 COR 1**

LIMITE

**DATAPROTECT 61
JAI 355
MI 383
DRS 96
DAPIX 80
FREMP 53
COMIX 276
CODEC 1033**

CORRIGENDUM TO NOTE

from: Presidency

to: COREPER

No. prev. doc.: 8825/13 DATAPROTECT 49 JAI 312 DAPIX 74 MI 320 FREMP 43 DRS 79
CODEC 895

8004/2/13 REV 2 DATAPROTECT 35 JAI 246 MI 246 DRS 59 DAPIX 65
FREMP 35 COMIX 217 CODEC 688

No. Cion prop.: 5853/12 DATAPROTECT 9 JAI 44 MI 58 DRS 9 DAPIX 12 FREMP 7 COMIX
61 CODEC 219

Subject: Proposal for a regulation of the European Parliament and of the Council on the
protection of individuals with regard to the processing of personal data and on the
free movement of such data (General Data Protection Regulation)

- Key issues of Chapters I-IV

On page 12 of document 9398/1/13 REV 1 ADD 1, recital 25 should read:

- 25) Consent should be given unambiguously by any appropriate method enabling a
freely-given, specific and informed indication of the data subject's wishes, either by a
written, oral or electronic statement or by a clear affirmative action by the data subject
signifying his or her agreement to personal data relating to him or her being processed.

This could include ticking a box when visiting an Internet website or any other statement or conduct which clearly indicates in this context the data subject's acceptance of the proposed processing of their personal data. Silence or inactivity should therefore not constitute consent. Where it is technically feasible and effective, the data subject's consent to processing may be given by using the appropriate settings of a browser or other application. Consent should cover all processing activities carried out for the same purpose or purposes. **When the processing has multiple purposes, unambiguous consent should be granted for all of the processing purposes.** If the data subject's consent is to be given following an electronic request, the request must be clear, concise and not unnecessarily disruptive to the use of the service for which it is provided.
