

G. Data protection

1. Commission Regulation (EU) No 328/2011 of 5 April 2011 implementing Regulation (EC) No 1338/2008 of the European Parliament and of the Council on Community statistics on public health and health and safety at work, as regards statistics on causes of death (Text with EEA relevance)

Official Journal L 090, 06/04/2011 P. 0022 – 0024

Article 2 Definitions

For the purpose of this Regulation, the following definitions shall apply:

(...)

(h) "resident" means "usual resident" in the place where a person normally spends the daily period of rest, regardless of temporary absences for purposes of recreation, holidays, visits to friends and relatives, business, medical treatment or religious pilgrimage.

(...)

2. Regulation (EC) No 763/2008 of the European Parliament and of the Council of 9 July 2008 on population and housing censuses (Text with EEA relevance)

Official Journal L 218, 13/08/2008 P. 0014 – 0020, implemented by Commission Regulation (EC) No 1201/2009 of 30 November 2009, Official Journal L 329 , 15/12/2009 P. 0029 - 0068

Article 1 - Subject matter

This Regulation establishes common rules for the decennial provision of comprehensive data on population and housing.

Article 2 - Definitions

For the purpose of this Regulation, the following definitions shall apply:

(...)

(d) "usual residence" shall mean the place where a person normally spends the daily period of rest, regardless of temporary absences for purposes of recreation, holidays, visits to friends and relatives, business, medical treatment or religious pilgrimage.

3. Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (Text with EEA relevance)

Official Journal L 199, 31/07/2007 P. 0023 – 0029

Article 1 - Subject matter

This Regulation establishes common rules for the collection and compilation of Community statistics on: (...)

Article 2 – Definitions

1. For the purposes of this Regulation, the following definitions shall apply:

(a) "usual residence" means the place at which a person normally spends the daily period of rest, regardless of temporary absences for purposes of recreation, holiday, visits to friends and relatives, business, medical treatment or religious pilgrimage or, in default, the place of legal or registered residence;

4. Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community

Official Journal L 080, 23/03/2002 P. 0029 – 0034

Article 3 Scope

1. This Directive shall apply, according to the choice made by Member States, to:

- (a) undertakings employing at least 50 employees in any one Member State, or
- (b) establishments employing at least 20 employees in any one Member State.

Member States shall determine the method for calculating the thresholds of employees employed.

2. In conformity with the principles and objectives of this Directive, Member States may lay down particular provisions applicable to undertakings or establishments which pursue directly and essentially political, professional organisational, religious, charitable, educational, scientific or artistic aims, as well as aims involving information and the expression of opinions, on condition that, at the date of entry into force of this Directive, provisions of that nature already exist in national legislation.

5. 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

Official Journal L 008, 12/01/2001 P. 0001 – 0022

[Whereas]

(29) These cases concern the processing of data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade-union membership and the processing of data concerning health or sex life which are necessary for the purposes of complying with the specific rights and obligations of the controller in the field of employment law or for reasons of substantial public interest. They also concern the processing of data relating to offences, criminal convictions or security measures and authorisation to apply a decision to the data subject 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.

Chapter II General rules on the lawfulness of the processing of personal data

Section 3 Special categories of processing

Article 10 The processing of special categories of data

1. The processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, and of data concerning health or sex life, are prohibited.

2. Paragraph 1 shall not apply where:

(...)

(e) processing is carried out in the course of its legitimate activities with appropriate safeguards by a non-profit-seeking body which constitutes an entity integrated in a Community institution or body, not subject to national data protection law by virtue of Article 4 of Directive 95/46/EC, and with a political, philosophical, religious or trade-union aim and on condition that the processing relates solely to the members of this body or to persons who have regular contact with it in connection with its purposes and that the data are not disclosed to a third party without the consent of the data subjects.

6. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce')

Official Journal L 178, 17/07/2000 P. 0001 – 0016

Chapter I General provisions

Article 3 Internal Market

(...)

2. Member States may not, for reasons falling within the coordinated field, restrict the freedom to provide information society services from another Member State.

(...)

4. Member States may take measures to derogate from paragraph 2 in respect of a given information society service if the following conditions are fulfilled:

(a) the measures shall be:

(i) necessary for one of the following reasons:

- public policy, in particular the prevention, investigation, detection and prosecution of criminal offences, including the protection of minors and the fight against any incitement to hatred on grounds of race, sex, religion or nationality, and violations of human dignity concerning individual persons, (...)

7. Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters

Official Journal L 082, 22/03/1997 P. 0001 – 0016, last amended by Regulation (EC) No 766/2008 of the European Parliament and of the Council of 9 July 2008, Official Journal L 218, 13/08/2008 P. 0048 – 0059

Title V Customs information system

Chapter 2 Operation and use of the CIS

Article 24

The CIS shall consist of a central database facility and it shall be accessible via terminals in each Member State and at the Commission. It shall comprise exclusively data necessary to fulfil its aim as stated in Article 23 (2), including personal data, in the following categories:

(a) commodities;

(b) means of transport;

(c) businesses;

(d) persons;

(e) fraud trends;

(f) availability of expertise.

Article 25

(...)

5. In all cases, no personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership and data concerning the health or sex life of an individual shall be included.