

1. Data processing shall be proportionate in relation to the legitimate purpose pursued and reflect at all stages of the processing a fair balance between all interests concerned, whether public or private, and the rights and freedoms at stake.

Modernised Convention 108 - Article 5 – Legitimacy of data processing and quality of data

4. Personal data undergoing processing shall be:

- a. processed fairly and in a transparent manner;
- b. collected for explicit, specified and legitimate purposes and not processed in a way incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes is, subject to appropriate safeguards, compatible with those purposes;
- c. adequate, relevant and not excessive in relation to the purposes for which they are processed;
- d. accurate and, where necessary, kept up to date;
- e. preserved in a form which permits identification of data subjects for no longer than is necessary for the purposes for which those data are processed.

2. Each Party shall provide that data processing can be carried out on the basis of the free, specific, informed and unambiguous consent of the data subject or of some other legitimate basis laid down by law.



3. Personal data undergoing processing shall be processed lawfully.

Source: Peter Kimpian, Data Protection Unit of the Council of Europe
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SUMMARY OF KEY CONCEPTS TO BE CONSIDERED WHEN DRAFTING A PURPOSE SPECIFICATION:

1. Data processing must be proportionate in relation to legitimate purpose pursued
2. Data processing must strike a fair balance between all interests concerned (public or private) and the [data subject's] rights and freedoms at stake
3. Each party shall provide that data processing can be carried out on the basis of free, specific, informed and unambiguous consent or some other legitimate basis laid down by law
4. Personal data undergoing processing shall be processed lawfully, fairly, and in a transparent manner
5. Personal data undergoing processing:
 - a) shall be collected for explicit, specified, and legitimate purposes
 - b) shall not be processed in a way incompatible with those purposes
 - c) may be further processed if there is a legitimate aim for further processing and all legal requirements for further processing are met
 - d) shall be adequate, relevant, and not excessive in relation to the purposes for which [that personal data] are processed