

**COMP Article 32**  
**10.7.2013**

**Article 32**

**Communication of a personal data breach to the data subject**

1. When the personal data breach is likely to adversely affect the protection of the personal data, ~~or the~~ privacy, *the rights or the legitimate interests* of the data subject, the controller shall, after the notification referred to in Article 31, communicate the personal data breach to the data subject without undue delay.

2. The communication to the data subject referred to in paragraph 1 shall *be comprehensive and use clear and plain language. It shall* describe the nature of the personal data breach and contain at least the information and the recommendations provided for in points (b), ~~and~~ (c) **and (d)** of Article 31(3) *and information about the rights of the data subject, including redress.*

3. The communication of a personal data breach to the data subject shall not be required if the controller demonstrates to the satisfaction of the supervisory authority that it has implemented appropriate technological protection measures, and that those measures were applied to the data concerned by the personal data breach. Such technological protection measures shall render the data unintelligible to any person who is not authorised to access it.

4. Without prejudice to the controller's obligation to communicate the personal data breach to the data subject, if the controller has not already communicated the personal data breach to the data subject of the personal data breach, the supervisory authority, having considered the likely adverse effects of the breach, may require it to do so.

5. The *European Data Protection Board Commission* shall be *entrusted with the task empowered to adopt delegated acts in accordance with Article 86 for the purpose of issuing guidelines, recommendations and best practices in accordance with Article 66 paragraph 1(b) further specifying the criteria and requirements* as to the circumstances in which a personal data breach is likely to adversely affect the personal data *or the privacy, the rights or the legitimate interests of the data subject* referred to in paragraph 1.

~~6. The Commission may lay down the format of the communication to the data subject referred to in paragraph 1 and the procedures applicable to that communication. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).~~