

## OC.16 Freedom of Expression & Information

Authors: Winfried Veil

Last update: 2021-05-25 00:52:21 | By: Winfried Veil

Created at: 2021-05-23 15:33:46

With regard to freedom of expression and information, the GDPR contains three key rules, according to which Member States may provide for more specific provisions, reconciling with the right to data protection and exemptions and derogations:

### More specific provisions:

**Art. 6 II:** "Member States may **maintain or introduce more specific provisions** [...] with regard to processing for compliance with points (c) and (e) of paragraph 1 by determining more precisely specific requirements [...] including for other specific processing situations as provided for in [Chapter IX](#)." ? Art. 85 is in Chapter IX.

### Reconciling:

**Art. 85 I:** "**Member States shall** by law **reconcile** the right to the protection of personal data pursuant to this Regulation with the right to freedom of expression and information, including processing for journalistic purposes and the purposes of academic, artistic or literary expression."

### Exemptions or derogations:

**Art. 85 II:** "For processing carried out for journalistic purposes or the purpose of academic artistic or literary expression, **Member States shall provide for exemptions or derogations** from [Chapter II](#) (principles), [Chapter III](#) (rights of the data subject), [Chapter IV](#) (controller and processor), [Chapter V](#) (transfer of personal data to third countries or international organisations), [Chapter VI](#) (independent supervisory authorities), [Chapter VII](#) (cooperation and consistency) and [Chapter IX](#) (specific data processing situations) if they are necessary to reconcile the right to the protection of personal data with the freedom of expression and information."