

BC.09 Effort & Costs

Authors: Winfried Veil

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Effort and costs of compliance with the GDPR are generally not criteria that play a role in the decisions of the controller. However, under a couple of provisions the controller may take effort and costs into account:

Art. 12 V a: *Where requests from a data subject are manifestly unfounded or excessive the controller may charge a reasonable fee taking into account the **administrative costs** . [see also Art. 15 III 2 GDPR]*

Art. 14 V b: *“Paraphs 1 to 4 [information obligation] shall not apply where and insofar as the provision of such information [...] would involve a **disproportionate effort** [...].” [see also Rec. 62]*

Art. 17 II: *“Where the controller has made the personal data public and is obliged pursuant to paragraph 1 to erase the personal data, the controller, taking account of [...] the **cost of implementation**, shall take reasonable steps [...].*

Art. 19 (1): *“The controller shall communicate any rectification or erasure of personal data or restriction of processing [...] to each recipient to whom the personal data have been disclosed, unless this [...] involves **disproportionate effort**.”*

Art. 25 I: *“Taking into account [...] the cost of implementation [...] the controller shall [...] implement appropriate technical and organisational measures [...].”*

Art. 32 I: *“Taking into account [...] the **costs of implementation** [...] the controller and the processor shall implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk [...].” [see Rec. 83 (2)]*

Art. 34 III c: *“The communication to the data subject referred to in paragraph 1 shall not be required if it would involve **disproportionate effort**.”*

Rec. 26 (4): *On the question of whether a person is identifiable “the **costs** of and the amount of **time** required for identification” are taken into account as objective factors.*

Rec. 84 (3): *“Where a data-protection impact assessment indicates that processing operations involve a high risk which the controller cannot mitigate by appropriate measures in terms of available technology and **costs of implementation**, a consultation of the supervisory authority should take place prior to the processing.” [see also Rec. 94 (1)]*

On the restriction of data subjects' rights in case of disproportionate effort, see [Tile DSR.08](#).

In German national law, effort and implementation costs may be taken into account in accordance with §§ 22 II 2, 27 II, 28 II, 34 I/IV, 35 I 1/II 2 *Bundesdatenschutzgesetz* (i.e. Federal Data Protection Act).