

DSR.09 Impairing the Achievement of Processing

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Various data subjects' rights take into account the purposes of data processing [[Title BC.08](#)]. The respective provisions provide that a data subject right ceases to apply if the purpose of the data processing would be frustrated or seriously impaired if the right were fulfilled. This means that in these cases, the controller's right to process data is given greater weight than the data subject's interest in fulfilling the data subject right:

Art. 14 V b: *“Paragraphs 1 to 4 [information obligation] shall not apply where and insofar as [...] the obligation referred to in paragraph 1 of this Article is likely to render impossible or seriously impair the achievement of the objectives of that processing.”*

Art. 16 (2): *“Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.”*

Art. 17 III d: *„Paragraphs 1 and 2 [right to erasure] shall not apply to the extent that processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89 (1) in so far as the right referred to in paragraph 1 is likely to render impossible or seriously impair the achievement of the objectives of that processing.”*

Art. 89 II: *“Where personal data are processed for scientific or historical research purposes or statistical purposes, Union or Member State law may provide for derogations from the rights referred to in [Articles 15](#), [16](#), [18](#) and [21](#) [...] in so far as such rights are likely to render impossible or seriously impair the achievement of the specific purposes, and such derogations are necessary for the fulfilment of those purposes.”*

Art. 89 III: *“Where personal data are processed for archiving purposes in the public interest, Union or Member State law may provide for derogations from the rights referred to in [Articles 15](#), [16](#), [18](#), [19](#), [20](#) and [21](#) [...] in so far as such rights are likely to render impossible or seriously impair the achievement of the specific purposes, and such derogations are necessary for the fulfilment of those purposes.”*

German law contains such exemptions in favour of the realisation of the purpose of data processing at

least in §§ 27 II and 28 IV BDSG (= German Data Protection Act):