Law | Data Protection Reform

Re.08 Household Exemption

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The household exemption excludes personal activities from the scope of the GDPR (Art. 2 II c; **Tile CO.32**). This exemption is not a minor clause to be interpreted as narrowly as possible, but serves the right to free development of personality, the right to private life and the special protection of relationships of trust granted by the general right to personality. It protects people's natural freedom of processing from excessive regulation and is thus required by fundamental rights. However, it is highly controversial to what extent it also applies to internet activities.

A "household exemption concretisation law" could ensure legal certainty and protection of freedom of action in the case of data processing, which occurs billions of times a day.

Of course, it would be better to reform the exemption in the GDPR itself and exclude non-commercial data processing that takes place in the context of communication activities from the scope of the GDPR. Proposed wording:

> *"This Regulation does not apply to the processing of personal data by a natural person in the course of a personal or household activity; this includes non-commercial communicative activities of a natural person*
>
> *a) directed towards a definite or indefinite number of persons*
>
> *b) taking place in public or private sphere*
>
> *c) using a publicly available informations society service*
>
> *d) processing of publicly available data within the context of such personal or household activity*
>
> *e) producing publicly oriented data".*