

## BC.09 Effort & Costs

Authors: Winfried Veil

Last update: 2021-05-22 14:25:33 | By: Winfried Veil

Created at: 2021-05-12 21:22:08

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 [Title 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).