**Law | GDPR:Balancing Decisions**

# BD.03 Balancing of Interests

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8 GDPR provisions stipulate that the controller must weigh up the interests:

> ***Art. 6 I f:*** *"Processing shall be lawfull if it is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are* ***overridden*** *by the interests or fundamental rights and freedoms of the data subject […]."*

> ***Art. 15 IV:*** *„The right to obtain a copy referred to in paragraph 3 shall not* ***adversely affect*** *the rights and freedoms of others."*
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> ***Art. 17 I c:*** *"The data subject shall have the right to […] erasure […] where the data subject objects to the processing pursuant to Article 21 (1) and there are no* ***overriding*** *legitimate grounds […]."*

> ***Art. 17 III:*** *„Paragraphs 1 and 2 [right to erasure] shall not apply* ***to the extent*** *that processing is necessary […]."*

> ***Art. 18 I d:*** *"The data subject shall have the right to […] restriction of processing where […] the data subject has objected to processing pursuant to Article 21 (1) pending the verification whether the legitimate grounds of the controller* ***override*** *those of the data subject."*

> ***Art. 20 IV:*** *"The right referred to in paragraph 1 [right to data portability] shall not* ***adversely affect*** *the rights and freedoms of others."*

> ***Art. 21 I 2:*** *"The controller shall no longer process the personal data unless the controller demonstrates compelling legitimate grounds for the processing which* ***override*** *the interests, rights and freedoms of the data subject […]."*

***Art. 49 I 2:*** *“Where a transfer could not be based on a provision in Article 45 or 46, […] a transfer to a third country or an international organisation may take place only if the transfer […] is necessary for the purposes of compelling legitimate interests pursued by the controller which are not* ***overridden*** *by the interests or rights and freedoms of the data subject […].*