CO.04 Third & Other Persons

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Some GDPR provisions refer to the rights, freedoms or interests of "third parties" or "third persons". Here, neither the rights, freedoms and interests of "data subjects" nor those of "controllers" are meant.

Rather, what is meant is "third parties" as defined in Art. 4 No. 10 GDPR and other third persons. These can be, for example, content providers who are deprived of a dissemination medium when their contribution is delisted from a search engine (see BVerfG, Order of 6.11.2019 - 1 BvR 276/17 ("Right to be Forgotten II) -, para. 108).

Listed below are the 13 provisions in articles and the 6 provisions in recitals that relate exclusively to the rights and freedoms of “third persons”:

Articles: 6 I d; 6 I f; 13 I d; 14 II b; 15 IV; 18 II; 20 IV; 23 I i; 28 III 1; 49 I f; 49 I g; 49 I 2/4 GDPR.

Recitals: 4 (2); 52 (1); 63 (5); 68 (8); 73 (1); 153 (4) GDPR.

The GDPR does not explicitly state which "rights and freedoms" are meant. Which "rights and freedoms" are protected is therefore highly controversial and unclear [see tiles ...].