

LEGAL BASES OF THE GDPR



Companies must comply with the General Data Protection Regulation (GDPR). Each processing of personal data must be based on 1 of the 6 legal bases in order to be legal (Article 6 GDPR: Lawfulness of processing):

1. CONTRACT

A contract may constitute a legal basis for the processing of personal data, if the processing is necessary in order to fulfill the contractual legal obligations. This is the main recommended legal basis to use, if possible.

2. CONSENT

A person can choose to actively and voluntarily give their consent to a certain processing. A given consent can be revoked at any time. Consents given through pre-filled checkboxes are not permitted.

3. LEGITIMATE INTERESTS

If the company has a legitimate interest that outweighs the data subject's interest in the data not being processed, and if the processing is necessary for the purpose in question, the processing may be proceeded. For example for direct marketing purposes.

4. LEGAL OBLIGATION

It is permitted to process personal data if it is necessary to comply with the law or to fulfill other legal obligations. For example, accounting documents that contain personal data must be stored in accordance with the accounting act.

5. VITAL INTERESTS

Personal data may be processed even if the person in question cannot give his consent, for example if it is necessary to process the personal data in order to save the data subject's life.

6. PUBLIC INTEREST OR AS PART OF THE EXERCISE OF AUTHORITY

Personal data may be processed if the Controller, for example, processes personal data in the exercise of authority, or with the support of law performs tasks of public interest.