

Regulation (EU) 2015/848 of the European Parliament and of
the Council of 20 May 2015 on insolvency proceedings (recast)

CHAPTER VI

DATA PROTECTION

Article 78

Data protection

- 1 National rules implementing Directive 95/46/EC shall apply to the processing of personal data carried out in the Member States pursuant to this Regulation, provided that processing operations referred to in Article 3(2) of Directive 95/46/EC are not concerned.
- 2 Regulation (EC) No 45/2001 shall apply to the processing of personal data carried out by the Commission pursuant to this Regulation.

Article 79

**Responsibilities of Member States regarding the
processing of personal data in national insolvency registers**

- 1 Each Member State shall communicate to the Commission the name of the natural or legal person, public authority, agency or any other body designated by national law to exercise the functions of controller in accordance with point (d) of Article 2 of Directive 95/46/EC, with a view to its publication on the European e-Justice Portal.
- 2 Member States shall ensure that the technical measures for ensuring the security of personal data processed in their national insolvency registers referred to in Article 24 are implemented.
- 3 Member States shall be responsible for verifying that the controller, designated by national law in accordance with point (d) of Article 2 of Directive 95/46/EC, ensures compliance with the principles of data quality, in particular the accuracy and the updating of data stored in national insolvency registers.
- 4 Member States shall be responsible, in accordance with Directive 95/46/EC, for the collection and storage of data in national databases and for decisions taken to make such data available in the interconnected register that can be consulted via the European e-Justice Portal.
- 5 As part of the information that should be provided to data subjects to enable them to exercise their rights, and in particular the right to the erasure of data, Member States shall inform data subjects of the accessibility period set for personal data stored in insolvency registers.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) 2015/848 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Article 80

Responsibilities of the Commission in connection with the processing of personal data

1 The Commission shall exercise the responsibilities of controller pursuant to Article 2(d) of Regulation (EC) No 45/2001 in accordance with its respective responsibilities defined in this Article.

2 The Commission shall define the necessary policies and apply the necessary technical solutions to fulfil its responsibilities within the scope of the function of controller.

3 The Commission shall implement the technical measures required to ensure the security of personal data while in transit, in particular the confidentiality and integrity of any transmission to and from the European e-Justice Portal.

4 The obligations of the Commission shall not affect the responsibilities of the Member States and other bodies for the content and operation of the interconnected national databases run by them.

Article 81

Information obligations

Without prejudice to the information to be given to data subjects in accordance with Articles 11 and 12 of Regulation (EC) No 45/2001, the Commission shall inform data subjects, by means of publication through the European e-Justice Portal, about its role in the processing of data and the purposes for which those data will be processed.

Article 82

Storage of personal data

As regards information from interconnected national databases, no personal data relating to data subjects shall be stored in the European e-Justice Portal. All such data shall be stored in the national databases operated by the Member States or other bodies.

Article 83

Access to personal data via the European e-Justice Portal

Personal data stored in the national insolvency registers referred to in Article 24 shall be accessible via the European e-Justice Portal for as long as they remain accessible under national law.

Changes to legislation:

There are outstanding changes not yet made to Regulation (EU) 2015/848 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by [S.I. 2019/146 Sch. para. 13](#)
- Annex A omitted by [S.I. 2019/146 Sch. para. 14](#)
- Annex B words omitted by [S.I. 2019/146 Sch. para. 15](#)
- Art. 1(1)-(1B) substituted for Art. 1(1) by [S.I. 2019/146 Sch. para. 2\(3\)](#)
- Art. 2(1) omitted by [S.I. 2019/146 Sch. para. 3\(b\)](#)
- Art. 2(1A) inserted by [S.I. 2019/146 Sch. para. 3\(a\)](#)
- Art. 2(3) omitted by [S.I. 2019/146 Sch. para. 3\(b\)](#)
- Art. 2(4) words substituted by [S.I. 2019/146 Sch. para. 3\(c\)](#)
- Art. 2(6)(i) omitted by [S.I. 2019/146 Sch. para. 3\(d\)\(i\)](#)
- Art. 2(6)(ii) words omitted by [S.I. 2019/146 Sch. para. 3\(d\)\(ii\)](#)
- Art. 2(9) omitted by [S.I. 2019/146 Sch. para. 3\(e\)](#)
- Art. 2(10) word omitted by [S.I. 2019/146 Sch. para. 3\(f\)](#)
- Art. 2(11)-(14) omitted by [S.I. 2019/146 Sch. para. 3\(g\)](#)
- Art. 85(3)(a) words omitted by [S.I. 2019/146 Sch. para. 9\(b\)\(i\)](#)
- Art. 92(c) omitted by [S.I. 2019/146 Sch. para. 12](#)