D. Although the GDPR does not cover the processing of personal data which concerns

legal persons, GDPR Principles, some of which are described below, may still apply if a natural person’s personal data is processed as part of the differentiation process and should be factored in as appropriate by Contracted Parties.

Consistent with the Principles set forth in Article 5 of the GDPR:

Lawfulness, Fairness and Transparency: “Any processing of personal data should be lawful, fair, and transparent. It should be clear and transparent to individuals that personal data concerning them are collected, used, consulted or otherwise processed, and to what extent the personal data are, or will be, processed.” The transparency principle “concerns, in particular, information to the data subjects on the identity of the controller and the purposes of the processing . . . 1

If the legal basis is consent, then “[p]roviding information to data subjects prior to obtaining their consent is essential in order to enable them to make informed decisions, understand what they are agreeing to, and for example exercise their right to withdraw their consent.” 2

Purpose Limitation: “Personal data shall be . . . collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.” 3

Data Minimization: “Limit the amount of personal data collected to what is necessary for the purpose.”4

Accountability: The GDPR’s accountability principle “requires organisations to demonstrate (and, in most cases, document) the ways in which they comply with data protection principles when transacting business.” 5

1 See:

and Article 29 Working Party

Guidelines on transparency under Regulation 2016/679, Section 6 & 7 (as adopted by the EDPB) (<https://ec.europa.eu/newsroom/article29/items/622227>);

2 See EDPB Guidelines, 05/2020, Guidelines 05/2020 on consent under regulation 2016/679, Section 3.3

3 See GDPR Article 5(1)(b); see also UK Information Commissioner’s Office guidelines on Purpose Limitation,

([https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulatio](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/principles/purpose-limitation/) [n-gdpr/principles/purpose-limitation/](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/principles/purpose-limitation/))

4 See EDPB Guidelines, 04/2019, Data Protection by Design and by Default, Section 3.5 ([https://edpb.europa.eu/sites/default/files/files/file1/edpb\_guidelines\_201904\_dataprotection\_by\_design\_a](https://edpb.europa.eu/sites/default/files/files/file1/edpb_guidelines_201904_dataprotection_by_design_and_by_default_v2.0_en.pdf) [nd\_by\_default\_v2.0\_en.pdf](https://edpb.europa.eu/sites/default/files/files/file1/edpb_guidelines_201904_dataprotection_by_design_and_by_default_v2.0_en.pdf)) and GDPR Article 5.1 (c).

5 See: Irish Data Protection Commission guidance on Accountability (<https://www.dataprotection.ie/en/organisations/know-your-obligations/accountability-obligation>)’; See also EDPB Guidelines, 04/2019, Data Protection by Design and by Default, Section 3.9 [https://edpb.europa.eu/sites/default/files/files/file1/edpb\_guidelines\_201904\_dataprotection\_by\_design\_a](https://edpb.europa.eu/sites/default/files/files/file1/edpb_guidelines_201904_dataprotection_by_design_and_by_default_v2.0_en.pdf) [nd\_by\_default\_v2.0\_en.pdf](https://edpb.europa.eu/sites/default/files/files/file1/edpb_guidelines_201904_dataprotection_by_design_and_by_default_v2.0_en.pdf)