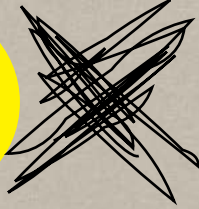


GDPR: Deletion Poems
Eds. Douglas-Jones and Cohn

ETHOS Lab
IT University of Copenhagen

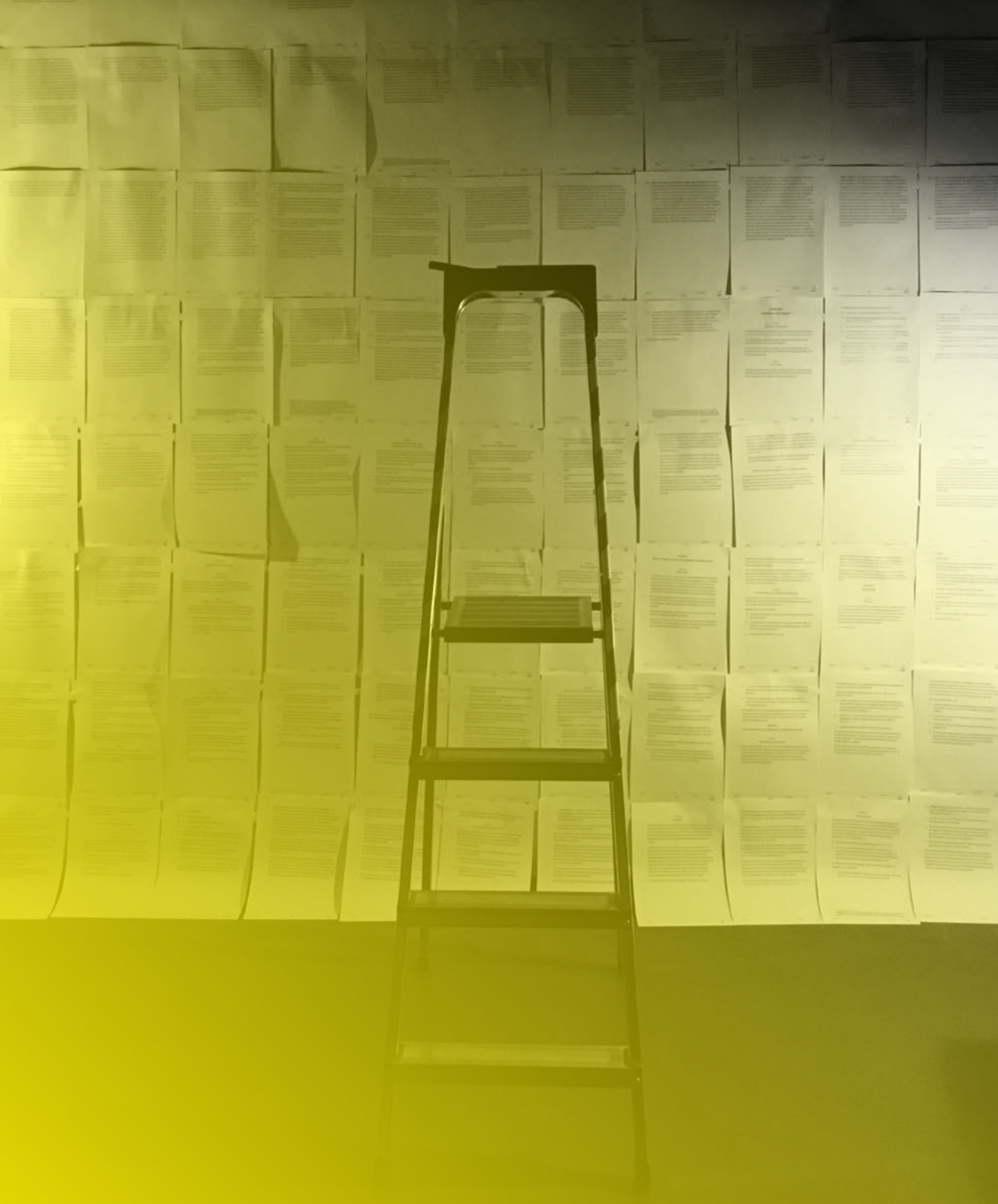
GDPR

GDP 

GD R

G PR

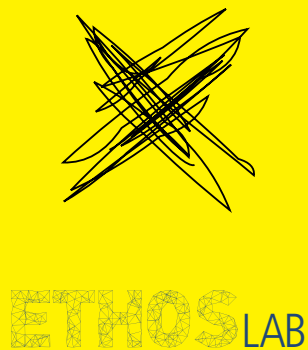
DPR



G D P R

Deletion Poems

Eds. Rachel Douglas-Jones and Marisa Cohn



IT UNIVERSITY OF COPENHAGEN

second printing
2019

Preface – calum docherty	06
INTRODUCTION – rachel douglas-jones	08
processing	14
coupling	16
me/free	18
remedies	20
lead	22
fringe	24
bodies	26
the data subject	28
consent	30
data	32
VIDEO INSTALLATION IMAGES	34
object	38
should (eric weibel)	40
super	42
human	44
best practices	46
deserve	48
power (birkbak and winthereik)	50
minimization	52
lawfulness processing	54
their nature	56
BIOS & ACKNOWLEDGEMENTS	58
DIY page of GDPR for make your own deletion poem	60

2016

The Trilogue talks have come to fruition
A new framework on data transmission
Approved and published by the Commission
With a two year period for transition
A triumph of legislative ambition
Forging the Union's steadfast position
Data processing shall, without detrition
Be made to serve the human condition
Now read it. Slowly. Line by line
As tech and legal terms combine
To consider consents, privacy by design
Ensure products and policies align
Make information notices sublime
And minimize risk, while there's time

2018

For two years we worked on every aspect
Of this new law for the data subject
Contracts are updated, tick boxes unchecked
ROPs set out the data we collect
PIAs ensure that Products protect
Rights to access, erase, port, correct and object
But nobody knows quite what to expect
As today the Regulation takes effect
So where does that leave us now, o client?
On these data flows you are reliant
Without them your business is abeyant
You can't cut off Europe or be defiant
The four percent files are reliably giant
Time to be GDPR compliant!

Calum Docherty

As the 25th of May 2018 approached, across Europe talk of the General Data Protection Regulation, or **GDPR**, grew. Emails started arriving in our inboxes, personal and professional, asking us to consent to be on lists. Many went ignored. The university began re-curating its websites, and across the tech world where our students were embedded in fieldwork, **GDPR** meetings took place behind closed doors. "Compliance" was mere months, weeks, days away, yet nobody was quite sure of the repercussions of getting it wrong. Notably, while articles aimed at the new cadre of compliance officers multiplied, few successfully broke down the gist of **GDPR**: what did it actually mean in practice for "data subjects"? With what rights were they newly bestowed?

At the start of 2018, the ETHOSLab took *Speculative Instruments* as a coordinating theme for our activities. We were interested in methods as techniques of exploration, the openness of enquiry and query that centers wonder and puts it to work. We began collecting the **GDPR** hashtag being used on Twitter, harvesting the thousands of tweets to visualize the connections being made across digital space as anxiety about **GDPR** grew. Our researchers in the field were finding that in discussions of the new regulation, tensions were growing between its aims to both facilitate a digital market through data portability and protect rights to privacy. Can data be both personal and commodifiable? As the data subjects of new Europe were under construction as May drew closer, we, decided we would engage more practically. When the date of compliance arrived, a party was in order!

What started as an idea motivated as the antithesis of a Working Party on **GDPR** compliance, became the Great Deletion Poetry Rave, which would be hosted at the IT University of Copenhagen during the Danish STS conference. Word of the party spread through our students and their networks, ending up registered on gdprparty.eu, a collection of other events across Europe marking the moment **GDPR** became active legislation. It also spawned a sister event in Oxford, at the ETHOX Centre housed in the Big Data Institute, where one co-heads of Lab was a visiting researcher.

The two parties took on different forms. The Copenhagen event was held on the eve of **GDPR**, in the Lab, with blackout windows against the summer light. The walls were pasted floor to ceiling with the legislation, and lamps brought from nearby offices illuminated the pages. We commissioned a video installation from David Cohn, a conceptual artist working in Massachusetts. His work draws on reflexivity in the theory of editing, presenting images not only as images but as constructs (Cohn n.d), an ideal accompaniment for a deletion party. In Oxford, the lunchtime event drew researchers from across the University, particularly those based in the Oxford Internet Institute and the new Big Data Institute. In contrast with the Copenhagen wall of text, participants selected a page from the legislation and took it away to a nearby table, spending time both with it and the various coloured pens made available. A large box of Bassetts Jelly Babies provided an incentive to approach the 'stall', with Data and Ethics researcher Federica Lucivero inviting participants to "del-eat" the Jelly Baby "data subject" once one's poem was underway.

What the events in Copenhagen and Oxford had in common was their organization around deletion, or erasure poetry. A favoured technique of 1960s radical poets, the idea of erasure (or "blackout") poetry is to take a text that already exists and remove words through deletion or erasure, with what remains forming the new text. The idea to make deletion poetry from **GDPR** came from two sources. First, John Burnett, a PhD student working with Douglas-Jones has been focusing on what it means to delete data when it carries such promise and the rhetoric of future value. Emerging from his doctoral work on a Danish controversy about the jurisdiction and practicalities of erasing data, deletion is a concept Burnett is working with in his academic articles. Second, we took inspiration from Douglas-Jones's familiarity with the work of Hong-Kong British poet Sarah Howe. In her Harvard Radcliffe talk titled "Two Systems" Howe presents a poem from a collection she began in 2014. The source text is the Basic Law of Hong Kong, a document negotiated by Beijing and London during the 1980s during the countdown towards the handover of sovereignty of

Hong Kong to China, which took place 1st of July 1997. As she points out in the talk, the title of her project (Two Systems) is itself an erasure, from constitutional idea of “One country, two systems” wherein the handover documents state that Hong Kong’s way of life should remain unchanged for 50 years, the Basic Law’s timeframe thus enshrining “within itself its date of undoing” (Howe 2015).

Like us, Howe was drawn to using deletion poetry to broaden engagement with a legal document, an activity carrying a political agenda. As she commented to Clare Tyrrel-Morin in an interview to the South China Morning Post’s Magazine, “I thought it would be a perfect thing, you could sort of have a public art project, you could have pages of the Basic Law and Tipp-Ex or white paint and ask everyone to erase their own page from it:

It was satisfying, in a childlike-way, to set about these pages from the Basic Law with Photoshop’s eraser tool. I imagined myself releasing their anarchic, subversive, gloriously vulgar undersongs. I was delighted to find, in amongst the nonsense, touches of sense emerging: allusions to the current unrest about Hong Kong’s path to universal suffrage (‘Power to the People’), or, more subtly, to its colonial past. (Howe 2014)

The 260 pages of GDPR text were available on the websites of the European Commission. We downloaded them. Few beyond lawyers would actually read them, and the rights they contained would go un-read. *Poetry, we reasoned, would work for us as a speculative instrument.* It would, through the challenge of creativity, open questions about party-goers ignorance of GDPR, as much as it would allow them to engage in the deletion to which they were now legally entitled. We would find the nonsense, the ‘gloriously vulgar undersongs’ (Howe 2014) of the GDPR. We would have a public art project of our own, where data, rights, and data controllers would be closely (perhaps overly closely) scrutinized in the making of new meaning.

The poems in this chapbook are selected both for their poetic flair and their aesthetics. Some manage both. During meetings in the summer of 2018, we read the poems aloud to one another, discussed their aesthetic merits and rhythms, where the intonation should fall. Photographed and scanned, the texts bring forward the materiality of deletion, from fast brush strokes of impatient pens to painstaking tipp-ex, hard edged marker and scribbled Crayola colour.

The opening poems in the collection take the deletion task literally, working with erasure and what is left. Then, rhymes and art come forward, brief and abstract poems contrast with wordy ones, minimal selections and poems that retain the hint of legalese. The anonymous authors make use of rhythm. We listened for repetitions and rhymes, statements of subversion and politics. Our poets, like Howe, found characters emerging in line with repetitions in the legal text, working with the qualities of the language not against it. In the GDPR, as much as in the Basic Law, words cascade down the page: highlighting data, data, data, should should should, super super super (poems 8, 12 and 13). We selected poems that bring forward the body. The final two, 19 and 20, illustrate our most complex and our most simple poems. One to be read forwards then backwards and one consisting of just five words, which took nearly an hour to write. They show the range of what participants in these events made possible, and the power of the poem as an instrument of enquiry. We encourage you to read the poems aloud.

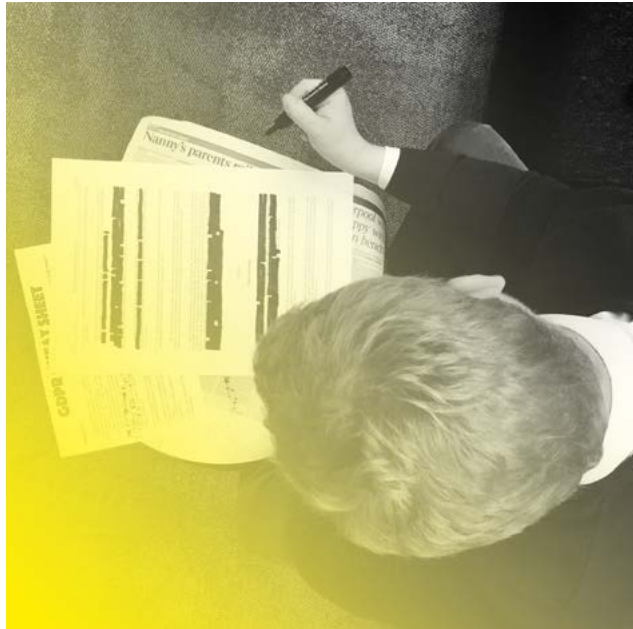
References

Cohn, David. N.d. A conceptual art portfolio: Artist Statement. <http://name-games.com/index2.html> accessed August 7th 2018.

Howe, Sarah. 2014. “A note about ‘Two Systems’” *Law Text Culture* 18: 249–257. Available at <http://ro.uow.edu.au/ltc/vol18/iss1/14>

Howe, Sarah. 2015. “Two Systems: A Reading Towards New Work”. Wednesday 28th October 2015. Radcliffe Institute for Advanced Study, Harvard University. <https://www.youtube.com/watch?v=dDH44OEgaeo>

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance) <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32016R0679>



[Redacted]

[Redacted]

[Redacted]

Processing of [Redacted] of [Redacted] of [Redacted]

1. Processing of [Redacted] genetic [Redacted] orientation [Redacted]

[Redacted]

[Redacted] processing [Redacted] data [Redacted]

(b) processing [Redacted] obligations and [Redacted] safeguards [Redacted]

[Redacted] processing [Redacted] interests [Redacted]

[Redacted] processing [Redacted] activities [Redacted]

(e) processing [Redacted] public [Redacted]

(f) processing [Redacted] establishment, [Redacted]

(g) processing [Redacted] the fundamental [Redacted] subject;

(h) processing [Redacted] necessary [Redacted] purposes of [Redacted] occupational [Redacted] work [Redacted] management [Redacted] systems [Redacted]

(i) processing [Redacted] necessary [Redacted] reasons [Redacted] for [Redacted] freedom [Redacted]

Processing of [Redacted] of [Redacted] of [Redacted]

Processing of [Redacted] genetic [Redacted] orientation [Redacted]

[Redacted] processing [Redacted] data [Redacted]

[Redacted] processing [Redacted] obligations and [Redacted] safeguards [Redacted]

[Redacted] processing [Redacted] interests [Redacted]

[Redacted] processing [Redacted] activities [Redacted]

[Redacted] processing [Redacted] public [Redacted]

[Redacted] processing [Redacted] establishment, [Redacted]

[Redacted] processing [Redacted] the fundamental [Redacted] subject;

[Redacted] processing [Redacted] necessary [Redacted] purposes of [Redacted] occupational [Redacted] work [Redacted] management [Redacted] systems [Redacted]

[Redacted] processing [Redacted] necessary [Redacted] reasons [Redacted] for [Redacted] freedom [Redacted]

Coupling

(157) coupling is a scientific method which can obtain great results with regard to widespread medical conditions such as cardiovascular disease, cancer and depression. On the basis of registries, researchers can be enhanced as they draw on a large population. Within social science, researchers use the tools of registries enables researchers to obtain essential knowledge about the long-term correlation of a number of social conditions such as unemployment and education with other life conditions. Research results obtained through registries provide solid, high-quality knowledge which can provide the basis for the formulation and implementation of knowledge-based policy, improve the quality of life for a number of people and improve the efficiency of social services. In order to facilitate scientific research, national data can be processed for scientific research purposes, subject to appropriate conditions and safeguards set out in Union or Member State law.

(158) Where personal data are processed for archiving purposes, the Regulation should also apply to that processing, bearing in mind that this Regulation should not apply to deceased persons. Public authorities or public or private bodies that fall outside of public interest should be services which, pursuant to Union or Member State law, have a legal obligation to acquire, preserve, appraise, arrange, describe, communicate, promote, disseminate and provide access to records of enduring value for general public interest. Member States should be able to limit or restrict the further processing of personal data for archiving purposes, for example with a view to providing appropriate access to the political benefits under former totalitarian state regimes, genocide, crimes against humanity, in particular the Holocaust, or war crimes.

Coupling

coupling can obtain great
 regard
 and can
 obtain essential knowledge about life
 life of people of social
 order
 to acquire, preserve, appraise, arrange, describe, communicate, promote, disseminate
 enduring value for
 archiving
 under totalitarian state regimes, genocide, crimes against
 humanity, in particular the Holocaust, or war crimes.

The controller referred to in Article 1

2. The controller shall facilitate the exercise of data subject rights under Articles 15 to 22. In the cases referred to in Article 14(2), the controller shall not refuse to act on the request of the data subject for exercising his or her right under Articles 15 to 22, unless the controller demonstrates that it is not in a position to identify the data subject.
shall not refuse to act on the request for information

3. The controller shall provide information on an action taken on a request under Articles 15 to 22 to the data subject without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. The controller shall inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay. Where the data subject makes the request by electronic form means, the information shall be provided by electronic means where possible, unless otherwise requested by the data subject.
The data subject may be me

4. If the controller does not take action on the request of the data subject, the controller shall inform the data subject without delay and at the latest within one month of receipt of the request of the reasons for not taking action and on the possibility of lodging a complaint with a supervisory authority and seeking a judicial remedy.
The information shall be free

5. Information provided under Articles 13 and 14 and any communication and any actions taken under Articles 15 to 22 and 34 shall be provided free of charge. Where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, the controller may either:

(a) charge a reasonable fee taking into account the administrative costs of providing the information or communication or taking the action requested; or

(b) refuse to act on the request.

The controller may charge a fee taking into account communication

The controller shall bear the burden of demonstrating the manifestly unfounded or excessive character of the request.

6. Without prejudice to Article 11, where the controller has reasonable doubts concerning the identity of the natural person making the request referred to in Articles 15 to 21, the controller may request the provision of additional information necessary to confirm the identity of the data subject.

7. The information to be provided to data subjects pursuant to Articles 13 and 14 may be provided in combination with standardised icons in order to give in an easily visible, intelligible and clearly legible manner a meaningful overview of the intended processing. Where the icons are presented electronically they shall be machine-readable.

8. The Commission shall be empowered to adopt delegated acts in accordance with Article 92 for the purpose of determining the information to be presented by the icons and the procedures for providing standardised icons.

Section 2

Information and access to personal data

Article 13

Information to be provided where personal data are collected from the data subject

1. Where personal data relating to a data subject are collected from the data subject, the controller shall, at the time when personal data are obtained, provide the data subject with all of the following information:

- (a) the identity and the contact details of the controller and, where applicable, of the controller's representative;
- (b) the contact details of the data protection officer, where applicable;
- (c) the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;

The controller referred to in Article 1 shall not refuse to act on the request for information. The data subject may be me. The information shall be free. The controller may charge a fee taking into account communication.

Access to documents obtained by members of the board, experts and consultants of public bodies shall be governed by Regulation (EC) No 1049/2001 of the European Parliament and of the Council.

Remedies and

Right to complain to supervisory authorities

Without prejudice to the administrative or judicial remedies, every subject shall have the right to work with a supervisory authority in the State of the person concerned if the person concerned has information on the progress of the work of the supervisory authority.

Art.

an effective remedy against

prejudice. Each person shall have the right to an effective remedy.

Without prejudice to the effective judicial remedy, the right to a complaint shall not be affected by the progress of the work of the supervisory authority.

against authority.

Where a decision is taken, an opinion or a recommendation shall be issued. The right to an effective remedy against a controller shall be preserved.

data have been infringed as a result of Regulation.

controller shall be brought before the courts for the public in the exercise of its public powers.

Remedies and

right

without prejudice. Every subject shall have the right to work with a supervisory authority in the State of the person concerned if the person concerned has information on the progress of the work of the supervisory authority.

Art.

an effective remedy against

prejudice. Each person shall have the right to an effective remedy.

without prejudice to the effective judicial remedy, the right to a complaint shall not be affected by the progress of the work of the supervisory authority.

against authority.

Where a decision is taken, an opinion or a recommendation shall be issued. The right to an effective remedy against a controller shall be preserved.

data have been infringed as a result of regulation.

Controller shall be brought before the courts for the public in the exercise of its public powers.

2. The lead [redacted] at any time [redacted] concerned [redacted] in particular for carrying [redacted] the implementation of [redacted] or process [redacted] in another [redacted].
3. [redacted] without delay, communicate [redacted] on the matter [redacted] without delay submit [redacted] to the other [redacted] concern [redacted] for their opinion [redacted] of their views.
4. [redacted] within a period of [redacted] after having been consulted [redacted] relevant and reasoned objection [redacted] shall, [redacted] follow [redacted] of the opinion it is not [redacted] the consistency mechanism referred [redacted].
5. [redacted] intend to follow [redacted] concern [redacted] be subject to the procedure [redacted] a period of two weeks.

lead at any time
concerned
in particular for carrying
the implementation of control or process
in another
without delay, communicate
on the matter without delay submit
to the other concern for their opinion
of their views
a period of
having relevant and reasoned objection shall,
follow
the consistency
intend to follow
concern
be subject to the procedure

- (142) Where a data subject considers that his or her rights under this Regulation are infringed, he or she should have the right to mandate a not-for-profit body, organisation or association which is constituted in accordance with the law of a Member State, has statutory objectives which are in the public interest and is active in the field of the protection of personal data to lodge a complaint on his or her behalf with a supervisory authority, exercise the right to a judicial remedy on behalf of data subjects or, if provided for in Member State law, exercise the right to receive compensation on behalf of data subjects. A Member State may provide for such a body, organisation or association to have the right to lodge a complaint in that Member State, independently of a data subject's mandate, and the right to an effective judicial remedy where it has reasons to consider that the rights of a data subject have been infringed as a result of the processing of personal data which infringes this Regulation. That body, organisation or association may not be allowed to claim compensation on a data subject's behalf independently of the data subject's mandate.

her
fringe
should have a body
constituted in accordance with
a
claim

(154) ... held by a public body closed ... body ... body subject ... and bodies that include all other bodies ... leaves no affects ... persons ... alter ... regimes ... and parts of ... virtue ... incompatible with regard ...

held by a public body closed body
 held by a public body closed body
 body subject
 and bodies that include all other bodies
 leaves no affects
 persons
 alter
 regimes
 and parts of virtue
 incompatible with regard.

Article 15

Right of access by the data subject

1. The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:

- (a) the purposes of the processing;
 - (b) the categories of personal data concerned;
 - (c) the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
 - (d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
 - (e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
 - (f) the right to lodge a complaint with a supervisory authority;
 - (g) where the personal data are not collected from the data subject, any available information as to their source;
 - (h) the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.
2. Where personal data are transferred to a third country or to an international organisation, the data subject shall have the right to be informed of the appropriate safeguards pursuant to Article 46 relating to the transfer.
3. The controller shall provide a copy of the personal data undergoing processing. For any further copies requested by the data subject, the controller may charge a reasonable fee based on administrative costs. Where the data subject makes the request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form.
4. The right to obtain a copy referred to in paragraph 3 shall not adversely affect the rights and freedoms of others.

Section 3

Rectification and erasure

Article 16

Right to rectification

The data subject shall have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him or her. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

access the data subject

obtain

the personal

envisaged

existence

are not

automated

logic

data subject

costs

freedoms

Official Journal of the European Union

... in Chapter IX, the Union or the Member State law shall meet an objective of ...
 ... the interests could be proportionate to the legitimate aim pursued.

Where ... for a purpose other than ... or ...
 ... another purpose ... the purpose for which ...

... have been ... intended

... the relationship between data

and ...

Art ...

is ... appropriate

... consent

... consent, the ... subject ...
 ... personal ...

If ... consent is given ...
 ... this ... shall not be binding.

... withdrawal of consent shall
 not ... be easy

Where ... for a purpose
 or
 ... another purpose ... the purpose for which

we t ... have been ... intended

and ... the relationship between data

Art

is ... appropriate

consent

is ... consent, the ... subject ...
 ... personal ...

If ... consent is given

this ... shall not be binding.

not ... withdrawal of consent shall
 be easy

Article 57

Tasks

1. [redacted] this Regulation [redacted] shall [redacted] enforce the [redacted] understanding [redacted] rules, [redacted] and [redacted] address [redacted] rights and freedoms [redacted] obligations

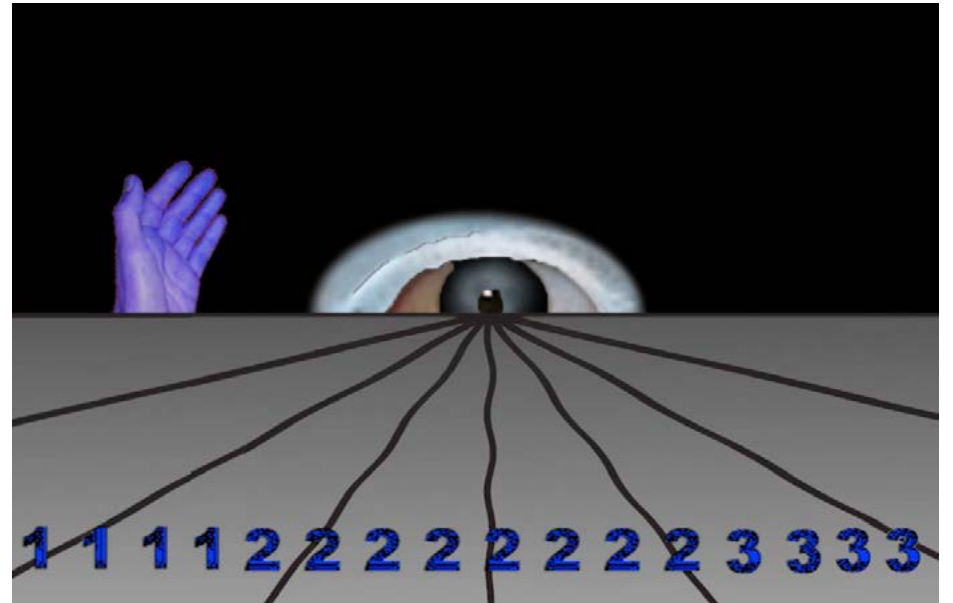
2. [redacted] provide [redacted] data [redacted] to [redacted] investigate, [redacted] and inform [redacted] information and [redacted] information or [redacted] information [redacted] data, [redacted] data [redacted] data [redacted] data [redacted] data [redacted] data

Article 57

Tasks

1. [redacted] this Regulation [redacted] enforce the [redacted] understanding [redacted] rules, [redacted] and [redacted] rights and freedoms

2. a. [redacted] s [redacted] obligations [redacted] provide [redacted] data [redacted] to [redacted] investigate [redacted] and inform [redacted] information and [redacted] information or [redacted] information [redacted] data [redacted] data [redacted] data [redacted] data





Stills from video installation at the Copenhagen Great Deletion Poetry Rave

This video installation at the GDPR event provided an artist's interpretation of key two changes associated with the new regulation: increased territorial scope and the right to be forgotten. A pair of collage animations with synchronised audio, "Digital Territory" and "Zero Memory", brought an ambivalent ambience, casting an ominous but playful gaze over the darkened room. Through repetitive, matched, simplistic colour choices and recurring symbols, the artist's video installation proposes a pseudo-language. The ambiguous iconography frustrates the need for clear meaning while also encouraging free associations of internal connectivity.

When the data subject has given consent, the processing is based on Article 6(1)(b) of the
 State law which constitutes a necessary and proportionate measure in order to protect society
 to safeguard, in particular, important objectives of general interest of society, where the controller
 should be allowed to further process the personal data in respect of the specific purposes of
 the purposes. In any case, the application of the principles set out in Article 6(1)(b) of the
 State law, in particular the information of the data subject on those purposes and the
 rights including the right to object, should be ensured. In addition, the controller should
 ensure that the data subject is aware of the relevant personal data is
 individual cases and where relating to the same criminal act or the same
 committed by a competent authority should be regarded as being in the legitimate interest
 pursued by the controller. The processing of personal data in the interest of the
 controller should be prohibited if the processing is
 not compatible with the legitimate interest of the controller of secrecy.

safeguard,

the data subject

including the right to object,

the

authority

should be prohibited

secrecy.

Should

(139) In order to promote the consistent application of this Regulation, the Board should be set up as an independent body of the Union. To fulfil its objectives, the Board should have legal personality. The Board should be represented by its Chair. It should replace the Working Party on the Protection of Individuals with Regard to the Processing of Personal Data established by Directive 95/46/EC. It should consist of the head of a supervisory authority of each Member State and the European Data Protection Supervisor or their respective representatives. The Commission should participate in the Board's activities without voting rights and the European Data Protection Supervisor should have specific voting rights. The Board should contribute to the consistent application of this Regulation throughout the Union, including by advising the Commission, in particular on the level of protection in third countries or international organisations, and promoting cooperation of the supervisory authorities throughout the Union. The Board should act independently when performing its tasks.

(140) The Board should be assisted by a secretariat provided by the European Data Protection Supervisor. The staff of the European Data Protection Supervisor involved in carrying out the tasks conferred on the Board by this Regulation should perform its tasks exclusively under the instructions of, and report to, the Chair of the Board.

Eric Weibel

Should

			should
			should
should		should	
	should		
		should	
			should
should			
			should
	should		
			should

(136) In applying the consistency mechanism, the Board should, within a determined period of time, issue an opinion, if a majority of its members so decides or if so requested by any supervisory authority concerned or the Commission. The Board should also be empowered to adopt legally binding decisions where there are disputes between supervisory authorities. For that purpose, it should issue, in principle with a two-third majority of its members, legally binding decisions in clearly specified cases where there are conflicting views among supervisory authorities, in particular in the cooperation mechanism between the lead supervisory authority and supervisory authorities concerned on the merits of the case, in particular whether there is an infringement of this Regulation.

(137) [redacted] urgent need [redacted] exists [redacted] could [redacted] A supervisory authority s [redacted] be [redacted] justified [redacted] with a specified period of [redacted]

(138) [redacted] to produce legal effects [redacted] between [redacted] super [redacted] super [redacted] super [redacted] mecha

urgent need
exists
could A supervisory authority be
justified
to produce legal effects
between super super
super
mecha

- (40) In order for processing to be lawful, personal data should be processed on the basis of the consent of the data subject concerned or some other legitimate basis, laid down by law, either in this Regulation or in other Union or Member State law as referred to in this Regulation, including the necessity for compliance with the legal obligation to which the controller is subject or the necessity for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.
- (41) Where this Regulation refers to a legal basis or a legislative measure, this does not necessarily require a legislative act adopted by a parliament, without prejudice to requirements pursuant to the constitutional order of the Member State concerned. However, such a legal basis or legislative measure should be clear and precise and its application should be foreseeable to persons subject to it, in accordance with the case-law of the Court of Justice of the European Union ('Court of Justice') and the European Court of Human Rights.

data

performance

should be

Human

- (b) advise the Commission on any issue related to the protection of personal data in the Union, including on any proposed amendment of this Regulation;
- (c) advise the Commission on the format and procedures for the exchange of information between controllers, processors and supervisory authorities for the purposes of the rules;
- (d) issue guidelines, recommendations, and best practices on procedures for erasing links, copies or replications of personal data from publicly available sources as referred to in Article 17(2);
- (e) examine, on its own initiative, on request of a supervisory authority or on request of the Commission, any question covering the application of this Regulation and issue guidelines, recommendations and best practices in order to encourage consistent application of this Regulation;
- (f) issue guidelines, recommendations and best practices in accordance with point (e) of this paragraph for further specifying the criteria and conditions for the application of profiling pursuant to Article 22(2);
- (g) issue guidelines, recommendations and best practices in accordance with point (e) of this paragraph for establishing the personal data breach and determining the delay referred to in Article 33(1) and (2) and for the particular circumstances in which a controller or processor is required to notify the personal data breach;
- (h) issue guidelines, recommendations and best practices in accordance with point (e) of this paragraph as to the circumstances in which a personal data breach is likely to result in a high risk to the rights and freedoms of natural persons referred to in Article 34;
- (i) issue guidelines, recommendations and best practices in accordance with point (e) of this paragraph for the purpose of further specifying the criteria and conditions for personal data transfers based on binding corporate rules adhered to by controllers and processors and on further necessary requirements to ensure the protection of the data subjects concerned referred to in Article 47;
- (j) issue guidelines, recommendations and best practices in accordance with point (e) of this paragraph for the purpose of further specifying the criteria and conditions for personal data transfers on the basis of Article 49(1);
- (k) draw up guidelines for supervisory authorities concerning the application of measures referred to in Article 58(1), (2) and (3) and the setting of administrative fines referred to in Article 83;
- (l) review the practical application of the guidelines, recommendations and best practices referred to in points (e) and (f);
- (m) issue guidelines, recommendations and best practices in accordance with point (e) of this paragraph for establishing common procedures for reporting and handling infringements of this Regulation pursuant to Article 54(2);
- (n) encourage the drawing-up of codes of conduct and the establishment of data protection certification mechanisms and data protection seals pursuant to Articles 40 and 42;
- (o) carry out the accreditation of certification bodies and its periodic review pursuant to Article 43 and maintain a public register of accredited bodies pursuant to Article 4(6) and of the accredited controllers or processors established in third countries pursuant to Article 45;
- (p) specify the requirements referred to in Article 42 and accreditation of certification bodies under Article 42;
- (q) provide the Commission with an opinion on certification mechanisms referred to in Article 43(8);
- (r) provide the Commission with an opinion on certification mechanisms referred to in Article 43(8);
- (s) provide the Commission with an opinion on the adequacy of the level of protection in a third country or international organisation, including for a specific sector, a territory or one or more specified sectors within that third country, or an international organisation, if it no longer ensures an adequate level of protection. To that end, the Commission shall request the third country or international organisation to provide all necessary documentation, including correspondence with the government of the third country or international organisation, to that third country, territory or specified sector, or with the international organisation.

- protection
- procedure
- best practices
- guidelines
- best practices
- best practices
- best practices
- best practices
- best practices
- best practices
- concerning
- guidelines
- best practices
- codes of conduct
- certification bodies
- accreditation
- certification
- opinion
- adequacy

- (4) [redacted] data should be [redacted] serve mankind. The [redacted] right to the protection of person [redacted] absolute right; [redacted] to [redacted] in society and be [redacted] [redacted] in accordance with the principle of proportionality. This Regulation respects all [redacted] freedoms and principles recognised in the Charter, in particular the respect for private and family life, [redacted] [redacted] free [redacted] thought, conscience and religion, [redacted] free [redacted] of expression and [redacted] [redacted] free [redacted] to [redacted]
- (5) [redacted] natural [redacted] flow [redacted] to cooperate and exchange [redacted] to [redacted] carry [redacted]
- (6) [redacted] develop [redacted] and globalis [redacted] for the protection of person [redacted] and [redacted] person [redacted] person [redacted] transform [redacted] the [redacted] social [redacted] and [redacted] facilitate the free flow of [redacted] Union [redacted] to [redacted] countries and international [redacted] person [redacted]
- (7) [redacted] natural persons. [redacted] should be enhanced,
- (8) [redacted] as far as necessary [redacted]
- (9) [redacted] to [redacted] prevent [redacted] fragmentation [redacted] or [redacted] widespread [redacted] perception [redacted] competition [redacted] of [redacted] existence [redacted]
- (10) [redacted] ensure [redacted] Union, the [redacted] natural persons [redacted] remove [redacted] obstacles to [redacted] flows of [redacted] no [redacted] compliance with [redacted] exercise of [redacted] authority. [redacted] Member States should [redacted] not exclude [redacted] condition [redacted] the [redacted] person [redacted] process [redacted] is lawful. [redacted] determin [redacted] or [redacted]

- data should de serve mankind. The to be absolute right;
- free and free and free to
- natural flow to cooperate and exchange to carry
- develop and globalis e for the protection of person and person person transform the social and facilitate the free flow of Union person to contries and international person
- Natural persons should be enhanced
- as far as necessary
- T o prevent fragmentation or widespread perception competition of existence
- flows of Union natural persons remove obstacles to no compliance with exercise of authority Member States should not exclude condition the person process is lawful. determin or

When a complaint has been rejected or dismissed by a supervisory authority, the complainant may bring proceedings before the courts in the same Member State. In the context of judicial remedies relating to the application of this Regulation, national courts which consider a decision on the question necessary to enable them to give judgment, may, or in the case provided for in Article 267 TFEU, must, request the Court of Justice to give a preliminary ruling on the interpretation of Union law, including this Regulation.

Furthermore, where a decision of a supervisory authority implementing a decision of the Board is challenged before a national court and the validity of the decision of the Board is at issue, that national court does not have the power to declare the Board's decision invalid but must refer the question of validity to the Court of Justice in accordance with Article 267 TFEU as interpreted by the Court of Justice, where it considers the decision invalid. However, a national court may not refer a question on the validity of the decision of the Board at the request of a natural or legal person which had the opportunity to bring an action for annulment of that decision, in particular if it was directly and individually concerned by that decision, but had not done so within the period laid down by Article 263 TFEU.

Birkbak & Winthereik

dismissed authority

may

consider

power invalid

but must

question

the

individually

concerned

[REDACTED]

1. [REDACTED] identify or his [REDACTED] st,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] minimisation, 7

[REDACTED]

[REDACTED] purposes shall be limited in that

2. [REDACTED] personal

[REDACTED]

[REDACTED] in so far as

[REDACTED] achievement of

[REDACTED] are necessary

minimisation.

personal

in so far as

achievement

are necessary

Article 6
↓ **Lawfulness of processing** ↑

1. Processing shall be lawful only and to the extent that at least one of the following applies:

(a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;

(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

(c) processing is necessary for compliance with a legal obligation to which the controller is subject;

(d) processing is necessary in order to protect the interests of the data subject or of another natural person;

(e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;

(f) processing 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, fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

(Point (f) of the first subparagraph shall not apply to processing carried out by public authorities in the performance of their tasks.)

2. Member States may maintain or introduce more specific provisions to adapt the rules of this Regulation with regard to processing for compliance with points (c) and (e) of paragraph 1, by determining more precisely specific requirements for the processing and other measures to ensure lawful and fair processing including for other specific processing situations, as provided for in Chapter II.

3. The basis for the processing referred to in point (c) and (e) of paragraph 1 shall be laid down by:

(a) the Union or

(b) the State to which the controller is subject.

The purpose of the processing shall be determined at legal basis or, as regards the processing referred to in point (e) of paragraph 1, shall be necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. The legal basis may contain specific provisions to adapt the application of rules of this Regulation to general conditions governing the lawfulness of processing by the controller; the types of data which are subject to the processing; the data subjects concerned; the entities to, and the purposes for which, the personal data may be processed; the purpose limitation; storage periods; and processing operations and processing procedures, including measures to ensure lawful and fair processing, as well as other specific

Lawfulness processing

shall be lawful only and to the extent that at least one of the following applies:

processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

processing is necessary for compliance with a legal obligation to which the controller is subject;

processing is necessary in order to protect the interests of the data subject or of another natural person;

processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;

processing 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, fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

(Point (f) of the first subparagraph shall not apply to processing carried out by public authorities in the performance of their tasks.)

2. Member States may maintain or introduce more specific provisions to adapt the rules of this Regulation with regard to processing for compliance with points (c) and (e) of paragraph 1, by determining more precisely specific requirements for the processing and other measures to ensure lawful and fair processing including for other specific processing situations, as provided for in Chapter II.

3. The basis for the processing referred to in point (c) and (e) of paragraph 1 shall be laid down by:

(a) the Union or

(b) the State to which the controller is subject.

The purpose of the processing shall be determined at legal basis or, as regards the processing referred to in point (e) of paragraph 1, shall be necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. The legal basis may contain specific provisions to adapt the application of rules of this Regulation to general conditions governing the lawfulness of processing by the controller; the types of data which are subject to the processing; the data subjects concerned; the entities to, and the purposes for which, the personal data may be processed; the purpose limitation; storage periods; and processing operations and processing procedures, including measures to ensure lawful and fair processing, as well as other specific

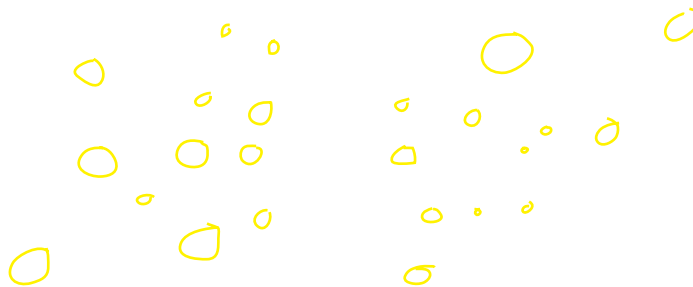
- (b) [redacted]
- (c) [redacted]
- 2. [redacted]
- (a) [redacted]
- (b) [redacted]
- (c) their [redacted] nature. [redacted]
- (d) [redacted]
- (e) [redacted]
- (f) [redacted] is [redacted]
- (g) [redacted] to [redacted]
- (h) [redacted]
- (i) [redacted]
- (j) [redacted] communicate [redacted]
- (k) [redacted]
- (l) [redacted]
- (m) [redacted]
- (n) [redacted]

their nature,

is

to

communicate



The ETHOSLab is a feminist techno-humanities lab based at the IT University of Copenhagen, and was founded in 2015 by Marisa Cohn and Brit Ross Winthereik to support critical engagement with data visualization and digital methods. Today it is headed by Marisa Cohn and Rachel Douglas-Jones, and hosts externally funded research projects on big data, the internet of things, AI, and a series of junior researcher projects.

The ETHOX Centre at Oxford University is a multidisciplinary bioethics research centre that aims to improve ethical standard in healthcare practice and in medical research through education, research and the provision of ethics support to health professionals and medical researchers. Due to the generosity of the Caroline Miles visiting fellowship, Rachel Douglas-Jones was at ETHOX during the launch of the GDPR, Since 2018, ETHOX has been based in the Li Ka Shing Centre for Health Information and Discovery at the Big Data Centre, University of Oxford.

Rachel Douglas-Jones is an Associate Professor at the IT University of Copenhagen where she is head of the Technologies in Practice research group and co-directs the ETHOSLab. She is a social anthropologist and STS scholar, focusing on the intersection of biomedicine, ethics and technology. Her broader research interests include evaluation, audit culture and monitoring.

Marisa Cohn is an Associate Professor at the IT University of Copenhagen where she co-directs the ETHOSLab. Her research sits at the intersection of anthropology, STS and HCI, and she has conducted research on the lifetimes of systems and software obsolescence.

Simy Kaur Gahoonia is the Lab Manager of ETHOSLab, and was the coordinator of the installations for the GDPR poetry party and the Compliance bubble. She is a graduate of Digital Innovation and Management (IT University of Copenhagen) and interested in questions of data justice and participates in Copenhagen based Coding Pirates.

Calum Docherty is a privacy and information lawyer based in London, specializing in EU Data Protection Law. He has advised European, American and Chinese internet companies on GDPR since the regulation was published in 2016. He chose the Petrarchan sonnet for his preface as a nod to the Italian data protection supervisor Buttarelli. His favourite recital is Recital 4.

David Cohn is a visual artist who makes videos that combine his own performances with lo-fi digital animation. Through repetitive, matched, and often simplistic color choices and recurring symbols, the works demonstrate both an internal logic and a personal need for order. Whether by exposing this need or by presenting the systems he uses to solidify his sense of self, he performs a relation to the viewer that is both close and distant. The two videos produced for the GDPR event were entitled digital territory and zero memory, and ran on a two screen loop display during the Copenhagen based event.

Bertil Johannes Ipsen is the ETHOS Lab Assistant 2018–19 and a Masters candidate in Social Anthropology at Lund University, Sweden. He has a background in TechnoAnthropology from Aalborg University, and during his first semester at ETHOS, created the extractions of the deletion poems that appear in this collection.

Acknowledgements

We would like to thank all of the participants in both GDPR deletion parties. In Oxford, Nina Hallowell, Christa Henrichs, Mary Foulkes, Jane Beinart, Federica Lucivero and Jennifer Roest got into the project and went along with requests for balloons, jelly babies and more. Patricia Kingori, Mike Parker and Angeliki Kerasidou made the visit possible –many thanks. In Copenhagen, we thank the Danish STS Association (DASTS) in particular the DASTS 2018 “Data Moment” conference organizing committee, James Maguire, Christopher Gad and Bastian Jørgensen, for supporting the printing of this chapbook. ETHOSLab depends on Simy Kaur Gahoonia in all ways. The deletion parties were dreamed in meetings that consisted of Baki Cakici, Pedro Ferreira, Marisa Cohn and Rachel Douglas-Jones.



*Article 15***Right of access by the data subject**

1. The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:

- (a) the purposes of the processing;
- (b) the categories of personal data concerned;
- (c) the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
- (d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
- (e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
- (f) the right to lodge a complaint with a supervisory authority;
- (g) where the personal data are not collected from the data subject, any available information as to their source;
- (h) the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

2. Where personal data are transferred to a third country or to an international organisation, the data subject shall have the right to be informed of the appropriate safeguards pursuant to Article 46 relating to the transfer.

3. The controller shall provide a copy of the personal data undergoing processing. For any further copies requested by the data subject, the controller may charge a reasonable fee based on administrative costs. Where the data subject makes the request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form.

4. The right to obtain a copy referred to in paragraph 3 shall not adversely affect the rights and freedoms of others.

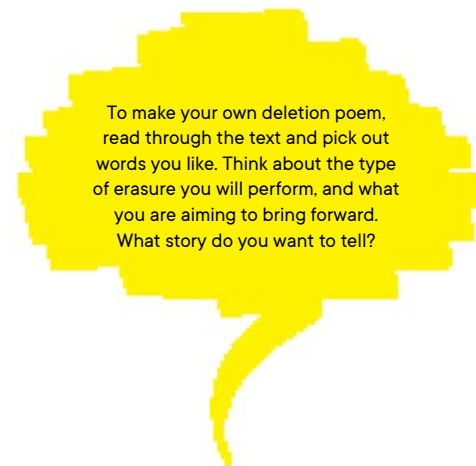
*Section 3***Rectification and erasure***Article 16***Right to rectification**

The data subject shall have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him or her. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

*Article 17***Right to erasure ('right to be forgotten')**

1. The data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies:

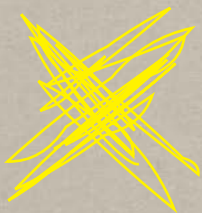
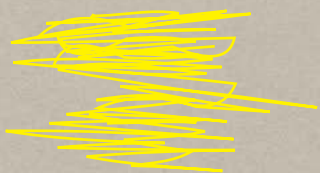
- (a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;



To make your own deletion poem,
read through the text and pick out
words you like. Think about the type
of erasure you will perform, and what
you are aiming to bring forward.
What story do you want to tell?

Eds. Douglas-Jones and Cohn
Design: Anagramdesign.no
Photo: Rachel Douglas-Jones
and Marisa Cohn





About the book

The GDPR Deletion Poems collection is the result of two “Great Deletion Poetry Raves” held in May 2018, at the launch of the European General Data Protection Regulation. Out of the many erasure poems created in Copenhagen and Oxford, Rachel Douglas-Jones and Marisa Cohn, co-heads of the ETHOSLab at the IT University of Copenhagen, have selected twenty that highlight poetic license, creativity and engagement with the new protections of GDPR.