

Article 33 — Notification of a personal data breach to the supervisory authority

PRIMARY

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Article 33(1): "In the case of a personal data breach, the controller shall without undue delay and, where feasible, not later than 72 hours after having become aware of it, notify the personal data breach to the supervisory authority competent in accordance with Article 55, unless the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons." Where notification exceeds 72 hours, the controller must give reasons for the delay.

Article 33(2): "The processor shall notify the controller without undue delay after becoming aware of a personal data breach."

The operative words for this edition are "after having become aware of it" — awareness, not publication, starts the clock.