



FREE OF CHARGE OR SUBJECT TO A FEE?

ADMINISTRATIVE FEES FOR EXERCISING DATA SUBJECT RIGHTS



General rule

Data subject rights must be exercised free of charge.

The controller must facilitate the exercise of data subject rights and cannot charge a fee merely because an individual exercises their rights under the GDPR.



When may a fee be charged?

A fee may be charged only in exceptional cases where requests are:

- manifestly unfounded;
- repetitive or excessive.

Where the controller decides to charge an administrative fee for a manifestly unfounded, repetitive or excessive request, in accordance with the accountability principle, the controller must be able to demonstrate that the conditions established by the GDPR for applying this exception are met.



Calculating the fee

The fee must be based on administrative costs.

When calculating the fee, account may be taken of:

- staff time;
- technical costs (e.g. a USB drive, CD or other physical storage medium);
- other administrative costs directly related to handling the request.

An administrative fee is not intended to generate profit.



Consequences of imposing an administrative fee without justification

Imposing an administrative fee without justification restricts the exercise of data subject rights. This may result in a finding of a GDPR infringement and the imposition of corrective measures.

Useful references

- GDPR Recital 59;
- Article 12(2) and (5) GDPR;
- European Data Protection Board (EDPB), [Guidelines 01/2022](#) on data subject rights – Right of access.