



Press Release
Communiqué de presse
Mitteilung für die Presse

Brussels, 09 April 2008

ARTICLE 29 DATA PROTECTION WORKING PARTY

The Article 29 Working Party held its 65th plenary session in Brussels on April 3rd and 4th, 2008.

Art. 29 Working Party clarifies the applicable rules for search engines :

After having carried out a consultation of the main search engines the WP finally adopted the long-awaited opinion relative to the protection of personal data applicable to search engines on April 4th, 2008.

It endeavours to clarify the conditions of applicability of the European legal framework and it sets out the following recommendations :

- First of all, the WP stresses that the European rules of data protection apply to search engines, even if the headquarter is established in a country outside the European Union.

The WP considers that personal data registered by search engines must be erased as soon as possible, **and after a 6-month period at the latest**. In any event, Directive 2006/24/EC relating to the storage of traffic data does not apply to search engines; they do not have thus any legal obligation to store information concerning users traffic data, unlike Internet access providers for example.

- The WP recommends that Internet users be also clearly informed of their rights, in accordance with Directive 95/46/EC relating to the protection of personal data : information on the purposes of the data process, the terms of exercise of their right of access, modification and erasure.

Lastly, Internet users must give their consent to the use of their data for consumer profiling purposes in particular.

This Working Party was set up under Article 29 of Directive 95/46/EC. It is an independent European advisory body on data protection and privacy. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC.

The secretariat is provided by Directorate C (Civil Justice, Rights and Citizenship) of the European Commission, Directorate General Justice, Freedom and Security, B-1049 Brussels, Belgium, Office No LX-46 06/80.

Website: http://ec.europa.eu/justice_home/fsj/privacy/index_en.htm

Art. 29 Working Party adopts the Technology Subgroup Work Programme

The members of the former ITF subgroup decided to rename ITF to **Technology Subgroup (TS)** in order to be able to deal with a larger variety of technological issues.

The members prepared a list of topics to be possibly dealt with in 2008/2009. Among the most relevant topics, the TS subgroup will have to address the issue of personal data on general or specific social networks. TS will have a thorough reflexion on these websites and will issue an opinion in the course of 2008 or early 2009. Other topics will have to be discussed such as Electronic Toll System, RFID, Biometrics, etc.

BCR : Improving the approval process

To improve the communication on Binding Corporate Rules and allow companies concerned by international data transfers who wish to get information on this solution, the article 29 Working Party will soon gather all information available on BCR on a specific webpage of its website. This webpage will contain all documents related to BCR and adopted by the article 29 Working Party (WP 74, 107, 108).

The Art. 29 WP will arrange an internal workshop in Paris in June to share experiences between European Data Protection Authorities.

US Visa Waiver Programme (VWP)

The Art. 29 WP voiced serious concerns relating to the new requirements of the US in the framework of US Visa Waiver Programme, that consists in asking some EU Member States to provide informations relative to their citizens so as them to benefit from a visa exemption. Prior to the work on data protection issues of the VWP, the art. 29 WP plans to ask for more background information on the scope of the programme, in an approach at a European level.

(See communiqué of the Council of the European Union at :

<http://www.consilium.europa.eu/ueDocs/newsWord/en/misc/99208.doc>)

Background information

The Article 29 Working Party on the Protection of Individuals with regard to the Processing of Personal Data is an independent advisory body on data protection and privacy, set up under Article 29 of the Data Protection Directive 95/46/EC. It is composed of representatives from the national data protection authorities of the EU Member States, the European Data Protection Supervisor and the European Commission. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC. The WP is competent to examine questions covering the application of the national measures adopted under the data protection directives in order to contribute to the uniform application of the directives. It carries out this task by issuing recommendations, opinions and working documents¹.

http://ec.europa.eu/justice_home/fsj/privacy/workinggroup/index_en.htm

¹ For further information please contact the Article 29 Working Party Presidency, Commission Nationale de l'Informatique et des Libertés (CNIL): 8, rue Vivienne, CS 30223, F-75002 Paris, CEDEX 02, Tel. +33 (0) 153 73 22 22, Fax +33 (0) 1 53 73 22 00, <http://www.cnil.fr/>