

Brussels, 11 february 2009

ARTICLE 29 DATA PROTECTION WORKING PARTY

The Article 29 Working Party held its 69th plenary session in Brussels on February 10 and 11, 2009.

Hearings of Search Engines

The Article 29 Working Party met four search engine operators - Google, Microsoft, Yahoo! and Ixquick (being a meta search engine) at its two-day plenary meeting in Brussels. The debate focused on three major topics: the data retention period; anonymisation; and applicable laws.

The Article 29 WP has witnessed that privacy and data protection have become competitive advantages and that search engines consider that privacy is an important element of their business model.

The Article 29 WP welcomes the call for industry standards in online search, nevertheless it has to point out that the European data protection and privacy legislation should be the basis for this initiative.

The Article 29 WP sees the results of its ongoing engagement with the search engine operators from early stages throughout the adoption of the opinion until yesterday's debate as a very positive signal that will have an enormous impact on millions of individuals.

For more information please refer to the separate press release on Search Engines available at http://ec.europa.eu/justice_home/fsj/privacy/news/docs/pr_12_02_09_en.pdf.

Revision of Directive 2002/58/EC (E-Privacy Directive)

On 13 November 2007, the Commission adopted a proposal for a Directive amending the Directive 2002/58/EC (e-Privacy Directive), concerning the processing of personal data and the protection of privacy in the electronic communications sector. This proposal was commented in 2008 in an opinion of the Article 29 Working Party.

A second opinion was adopted by the Working Party on February 11th, 2009, following the first reading by the European Parliament and by the Council of the European Union. This opinion focuses in particular on the notification of personal data breaches to individuals and Data Protection Authorities and the necessary extension of the scope of personal data breach notification obligations to information society services, given the essential impact this provision would have on the protection of the personal data of all European citizens.

Children Privacy

After having adopted a Working Document on Children's privacy on February 2008, a public consultation was open. The Art 29 WP received several interesting contributions and decided to amend its working document and present it as a final opinion.

Such opinion is aimed primarily at those who handle children's personal data i.e. mainly teachers and school authorities but also national data protection supervisory authorities.

The opinion has the virtue of providing consolidated and structured guidelines, by defining the applicable fundamental principles and illustrating those principles by reference to school data.

Body Scanners

The Article 29 Working Party and the EDPS have been asked by the European Commission (DG TREN) on November 27, 2008 to answer a questionnaire on Body Scanners. A common answer has been drafted, highlighting the great impact on passengers' privacy.

The Art. 29 WP and the EDPS consider that they have to be involved in the legislative process regarding the definition of rules on the use of body scanners to be able to provide the Commission with further advice.

Pre-Trial Discovery

Many European companies face requests for communication of information in the framework of US civil procedures. These requests consist of, for example, asking for copies of hard drives of specific employees or copies of their e-mail box. This information should then be transferred to the USA.

The requests for communication of information raise issues regarding the application of rules on international judicial cooperation and data protection.

The Working Party initiated a discussion on the issue in 2008 and adopted its final opinion on February 11th.

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 documents.

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