



**Joint Investigation Action on the Implementation of the Data Retention
Directive: Press Release**

Adopted on 10/12/2008

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 01/06.

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

Press Release

The EU Working Party for data protection (Article 29 Working Party) is launching an investigation concerning the compliance at national level of telecom providers and ISPs to the obligations required from national traffic data retention legislation on the legal basis of the e-Privacy Directive 2002/58/EC and the Data Retention Directive 2006/24/EC.

The primary aim of this investigation is to analyse whether and how data protection requirements concerning the type of retained data, security measures and prevention of abuse and storage limit obligations are met within the telecom sector in the member states

This sector has been selected because of the significant impact that the requirements of the Data Retention Directive have on the fundamental right to the protection of personal data of the individuals in European Union. Such obligations involve risks as far as it concerns the processing of individuals' traffic data and require the adoption of specific measures to ensure security of the data and prevention of abuse. This constitutes a great concern for the Article 29 Working Party.

The investigation will be carried out through a questionnaire which is the same for each EU Member State with questions focused on 10 areas in which retention of traffic data plays a particularly important role. As a follow-up to the questionnaire, in-situ investigations will follow, in order to have a more comprehensive analysis of the situation focused on practical problems.

As a result of the first Report on the implementation of the Data Protection Directive in May 2003, the European Commission requested the Article 29 Working Party to consider the launching of sectoral investigations at EU level and the approximation of standards in this regard.

In a declaration of 25 November 2004¹, the Article 29 Working Party stated that the promotion of harmonised compliance with data protection legislation is one of its strategic and permanent goals. The declaration emphasizes the importance of enforcement as a means of increasing compliance. The Working Party expressed the aim of contributing to a more pro-active stance towards enforcement and announced that EU wide synchronized national enforcement actions would be undertaken in the years to come.

The outcome of the investigation will be evaluated both at national and at EU level. Based on the results, the Article 29 Working Party could subsequently decide to issue further actions and practical guidance for the sector at large and identify areas for future action with a view to improving compliance in the least burdensome way.

¹ Declaration of the Article 29 Working Party on Enforcement, WP101, 25 November 2004