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Brussels, 2 December 2009

## ARTICLE 29 DATA PROTECTION WORKING PARTY

**The Article 29 Working Party held its 73<sup>rd</sup> plenary session in Brussels on November 30 and December 1, 2009.**

***- Social Network Services : hearings following the adoption of the Opinion 5/2009***

The Article 29 Working Party met with three social network services operators – Facebook, Netlog and StudiVZ – at its last plenary meeting in Brussels. This meeting was part of activities following the adoption of an opinion on social network services in June 2009.

The discussion focused on three major topics: protection of minors, retention period and data access by third parties.

The Article 29 Working Party heard them with great interest, and will continue its work on the matter so as to provide concrete guidelines.

***- Contribution to Commissioner Barrot's Public Consultation on the Future of Privacy***

See specific press release at: [http://ec.europa.eu/justice\\_home/fsj/privacy/news/index\\_en.htm](http://ec.europa.eu/justice_home/fsj/privacy/news/index_en.htm)

***- Expert Group on Credit Histories: Public Consultation***

The Article 29 Working Party welcomed the opportunity given by the European Commission to comment on the report of the Expert Group on Credit Histories.

The Article 29 Working Party observed that many of the topics raised in the report of the Expert Group have an impact on data protection. During the 73<sup>rd</sup> meeting, the Article 29 Working Party adopted a contribution that provides recommendations with regard to the adoption of specific data protection guarantees.

Opinion available at :

[http://ec.europa.eu/justice\\_home/fsj/privacy/workinggroup/wpdocs/2009\\_en.htm](http://ec.europa.eu/justice_home/fsj/privacy/workinggroup/wpdocs/2009_en.htm)

***- SWIFT***

The European Commission and the Swedish Presidency presented the new provisional agreement between the EU and the USA on data transfers via the SWIFT financial data network, signed on Monday 30<sup>th</sup> November, 2009.

The Article 29 Working Party expressed its deep regrets for not having been consulted earlier, and strongly reiterated its wish to be consulted in the drafting process of the mandate for the future agreement in the coming months.

The Article 29 Working Party decided to closely explore the data protection issues related to the new SWIFT agreement, covering in particular the issue of implementation of the current agreement in Member States, the mechanism of the joint review, the substance of the next SWIFT agreement and the effective safeguards of the rights of data subjects.

### ***- Protection of Passenger Data collected and processed by Duty-Free Shops at Airports and Ports***

At the request of the European Commission, the Article 29 Working Party looked into the matter of the protection of passenger data collected and processed by duty-free shops at airports and ports in the European Union.

The Art. 29 Working Party reviewed the current practice in EU Member States with regard to data protection, and has issued recommendations for a uniform application of the general data protection principles to be respected in duty free shops at airports and ports.

The opinion is available at:

[http://ec.europa.eu/justice\\_home/fsj/privacy/workinggroup/wpdocs/2009\\_en.htm](http://ec.europa.eu/justice_home/fsj/privacy/workinggroup/wpdocs/2009_en.htm)

### ***- Adequacy of Third Countries***

The Article 29 Working Party continues its work on the assessment of data protection legislation in third countries, as stated in Article 30 1. b) of the Directive 95/46/EC.

During its last plenary meeting, two opinions were adopted, attesting that the data protection legislation of Israël and Andorra guarantee an adequate level of protection according to the Directive 95/46/EC. These opinions will be taken into consideration by the EU Commission when deciding on the official adequacy decision.

Mandates have been given to work on the assessment of two other third countries.

Opinions available at:

[http://ec.europa.eu/justice\\_home/fsj/privacy/workinggroup/wpdocs/2009\\_en.htm](http://ec.europa.eu/justice_home/fsj/privacy/workinggroup/wpdocs/2009_en.htm)

### ***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](http://ec.europa.eu/justice_home/fsj/privacy/workinggroup/index_en.htm)