

Press Release
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12-14 July 2010

Brussels, 20 July 2010

ARTICLE 29 DATA PROTECTION WORKING PARTY

The Article 29 Working Party held its 76th plenary session in Brussels on 12 -14 July 2010

- European Commission Vice-President Reding: Data protection authorities should be strengthened

The European data protection authorities met Viviane Reding, the EU's Justice Commissioner, who presented the Commission's ideas on the review of the EU data protection legal framework. For more information, please find the press release issued on 16 July 2010 (http://ec.europa.eu/justice_home/fsj/privacy/news/docs/pr_12_14_07_10_en.pdf)

- European Data Protection Authorities find current implementation of data retention directive unlawful

The European Data Protection Authorities adopted a report on the European data retention directive 2006/24/EC. The report that results from a joint inquiry carried out by the data protection authorities, concludes that the obligation to retain all telecom and internet traffic data resulting from the directive is not applied correctly in the EU member states.

For more information, please find the press release issued on 15 July 2010 http://ec.europa.eu/justice_home/fsj/privacy/news/docs/pr_15_07_10_en.pdf

The adopted report

http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/2010/wp172_en.pdf

The annex

http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/2010/wp172_annex_en.pdf

- Anti-Counterfeiting Trade Agreement (ACTA): Letter to the European Commission

Following the doubts raised by the European Parliament and several civil liberties organisations on the consequences of ACTA, the European Data Protection Authorities (united in the Article 29 Data Protection Working Party [WP29]) have written a letter to the EU Trade Commissioner Karel de Gucht to point out several concerns on this new multilateral agreement. The European Data Protection Authorities are amongst others concerned about the provisions on the notice and take down procedures, searches by customs authorities, criminalisation of small

scale copyright infringements and the possible introduction of three strikes out schemes as these measures are bound to interfere with the private life of many citizens. The European Data Protection Authorities therefore call upon the Commissioner to respect the European data protection framework and to make sure ACTA will fully comply with it. Copyright infringements need to be dealt with, but adequate safeguards for the protection of all individuals' fundamental rights need to be provided for.

For more information, please find the letter here:

http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/others/2010_07_15_letter_wp_commissioner_de_gucht_acta_en.pdf

- RFID Framework Privacy Impact Assessment:

The European Data Protection Authorities adopted an opinion on the proposal from the Radio-Frequency Identification (RFID) industry on a Privacy Impact Assessment Framework (PIA) saying that it cannot endorse the proposal in its current form. The proposal was submitted by the Radio-Frequency Identification (RFID) industry representatives on 31 March 2010. According to the European Data Protection Authorities there are still critical shortcomings in the proposed framework, in particular the absence of a clear and comprehensive privacy and data protection risk assessment approach in the proposed PIA Framework. The European Data Protection Authorities have invited the industry to propose an improved PIA Framework based on the comments that have been highlighted in their opinion.

The opinion is available at:

http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/2010/wp175_en.pdf

The annex:

http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/2010/wp175_annex_en.pdf

- FEDMA: Approval of on-line direct marketing code

The European Data Protection Authorities adopted an opinion which approves the Online Direct Marketing Code submitted by FEDMA pursuant to Article 27 of Directive 95/46/EC.

The European Data Protection Authorities consider the Online Direct Marketing Code of FEDMA, which is an annex to its general code of conduct, in accordance with the Data Protection Directive. It provides sufficient added value to the directive by being sufficiently focussed on the specific data protection questions and problems in the online direct marketing sector and offering sufficiently clear solutions for the questions and problems at stake. However, the implementation of the amended E-Privacy Directive, which will have to be transposed into national laws on 25 May 2011, may require the amendment of the aforementioned Code of FEDMA, particularly as far as consent requirements for cookies and spyware are concerned. The Working Party has therefore recommended FEDMA to assess the adaptations that the Code will require as of 25 May 2011 in order to be in line with the new e-privacy Directive and the national provisions implementing it.

This is an important step showing that self-regulation by the industry can be a useful and positive tool in implementing the existing rules on data protection.

The opinion is available at:

http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/2010/wp174_en.pdf
the annex

http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/2010/wp174_annex_en.pdf

- Meeting with representatives from the FTC

Mr David Vladeck, Director of the Bureau of Consumer Protection of the Federal Trade Commission of the United States informed the European Data Protection Authorities of the 'Privacy rethink project' that the FTC is currently undertaking. Furthermore, matters of common concern, such as behavioural advertising, were discussed. Finally, the need for enhanced cooperation between the FTC and the European Data Protection Authorities in enforcing data protection law was stressed by both parties.

Background information

The European Data Protection Authorities (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 Article 29 Working Party is competent to examine any question covering the application of 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