



Declaration of Alex Türk, President of the *Commission nationale de l'informatique et des libertés* (France), President of the Article 29 Working Party

**For the European personal data protection day
28 January 2010**

The European personal data protection day, created at the initiative of the Council of Europe, with the support of the European Commission, is the opportunity to share our worries concerning the importance of the challenges to the protection of our privacy but also our confidence in the strong determination of our authorities to face these challenges in an effective manner.

New technologies evolve today at a frantic rhythm and in a borderless world. Our legal framework and our practices need to adapt to these deep transformations, while keeping at the same time a high level of data protection.

We established the possible basis for a global regulation of data protection during the 31st International Conference of data protection commissioners (Madrid, November 2009) while adopting a resolution aiming at establishing international standards for the protection of privacy and personal data. This constitutes an historic step as for the first time data protection authorities manage to elaborate at a global level a corpus of common principles suited to the last technological evolutions.

A reflection on the organic and legal consequences of these choices is necessary and an important work of promotion shall be undertaken so that the public bodies take initiatives towards a legally binding international instrument.

At the same time a reflection on the adaptation of the current instruments has been engaged at a European level. Among the initiatives launched in 2009, I would like to mention more particularly the initiative of the European Commission, which at the instigation of its vice-president, Jacques Barrot, and of the WP29, organised a large public consultation aimed at obtaining contributions on the new challenges in the field of privacy and on the improvement of the legal framework on data protection in the European Union.

The Article 29 Working Party and the Working Party on Police and Justice used their experience and expertise to deliver a major opinion at European level and for data protection in general, taking into account in particular the impact of the entry into force of the Treaty of Lisbon on 1st December. This opinion provides proposals to improve the existing instruments and practices. We may mention amongst others the willingness to develop practical measures for an increased clarity of the rights of the individual and the will to develop concrete means of action to exercise these rights. There is also the need to raise data protection at the rank of common and shared ethical values of the company and to strengthen the concrete efficiency

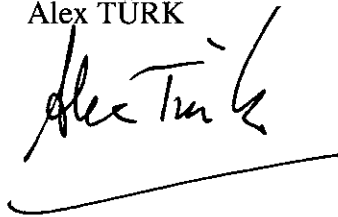
of the actions undertaken by data controllers to demonstrate their compliance to the applicable regulations.

Moreover, a reflection has been engaged on the independence and on the evolution of the role and powers of data protection authorities that need to exercise a role of watchdog by alerting as soon as possible the public authorities or more largely the public in general on issues that may rapidly become major problems of our societies.

It thus became urgent to grant to data protection authorities and the Article 29 Working Party human and financial resources that are sufficient for their missions. All our authorities should for instance be able to appeal to the expertise of computers' engineers or specialists on specific issues in order to be able to react on the most recent technological evolutions.

This personal data protection day offers us a special opportunity to draw the changing and protean portrait of data protection. However this day should rapidly leave the space for a new year of actions and commitments so that the respect of our privacy will not be an illusory idea but will become, at the contrary, a concrete reality.

Alex TÜRK

A handwritten signature in black ink, appearing to read 'Alex Türk', with a long horizontal flourish underneath.