

---

Brussels, 16 February 2011

## **ARTICLE 29 DATA PROTECTION WORKING PARTY**

### **European DPAs adopt opinion on RFID Privacy Impact Assessment Framework**

**The European Data Protection Authorities, united in the Article 29 Working Party, have adopted an opinion on the revised Industry Proposal for a Privacy and Data Protection Impact Assessment Framework for RFID applications. Radio-frequency identification (RFID) marks a new development in the information society where objects equipped with micro electronics that can process data automatically will increasingly become an integral part of every day life. The European Data Protection Authorities state in the opinion that they can endorse the proposal in its current form. The European Data Protection Authorities acknowledge the depth of the work that the industry associations and experts, academics, and individual companies from across Europe have invested in producing a Revised Framework in the past months. The authors of the Framework took the opportunity not only to address most concerns highlighted by the Working Party regarding an earlier version of the Framework, but also to present a clarified structure and stronger guidelines for the RFID operators who will implement this Framework. A key point is that the Revised Framework is based on a risk management approach, which is an essential component of any Privacy and Data Protection Impact Assessment Framework.**

An earlier version of the Industry Proposal did not gain the full support of the Working Party, especially considering the lack of a clearly defined risk assessment approach. In July 2010, the Working Party summarized its concerns in Opinion 5/2010, inviting the industry to propose a revised Privacy and data protection Impact Assessment Framework. That same month, the European Network and Information Security Agency (ENISA) published an independent opinion with practical recommendations to improve the proposed Framework. ENISA's opinion proposed in particular some initial guidelines for the adoption of a comprehensive and recognized methodological risk assessment approach, and suggested several structural improvements. On January 12, 2011, the revised PIA Framework was submitted for endorsement to the Article 29 Data Protection Working Party.

The opinion is available at:

[http://ec.europa.eu/justice/policies/privacy/workinggroup/wpdocs/2011\\_en.htm](http://ec.europa.eu/justice/policies/privacy/workinggroup/wpdocs/2011_en.htm)

During the plenary 79th meeting of the Article 29 Working Party that was held on 10 and 11 February 2011 in Brussels the following topics were also on the agenda:

#### **- EU PNR**

The European Data Protection Authorities briefly discussed the new proposal from the European Commission to set up an EU PNR system. Under this system, airlines would be obliged to share passenger information with security services in order to prevent, detect, investigate and prosecute possible terrorism and serious crime. As has been recently the case with proposals to exchange PNR information with the United States, Canada and Australia, the European Data Protection Authorities will examine this proposal closely in order to issue an opinion on the data protection related issues in the coming months.

### **- Future of Privacy**

The European Data Protection Authorities will closely follow the review of the EU data protection legal framework and have committed themselves to provide opinions on several matters to give the EU Commission input for the review of the data protection legal framework. These include opinions on the system of notification, sensitive data, and on how Member States currently put in practice the Directive's article on competency of each supervisory authority on the territory of its own Member State (article 28(6) of Directive 95/36/EC). The Article 29 Working Party is currently working on the opinions and aims to complete them in time for adoption at the next plenary meeting in April 2011.

### **- 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 (FTC) attended the Article 29 Working Party's plenary meeting to present and discuss the FTC Staff Report on the 'Privacy rethink project' that the FTC has undertaken. During the discussion the need for greater approximation of the data protection legal frameworks of the US and the EU was seen as a collective mission. On both sides of the Atlantic the need to enable the data subject to make active and fully informed choices about the use of his/her data in the private sphere as well as purpose limitation have been recognised as important elements for the protection of personal data.

In the reports recently published by the FTC and the Department of Commerce they seem to highlight more strongly than before the need to compel the industry to think of data protection during the whole process of developing new products, the so-called Privacy by Design. This leads to more equality in the levels of protection between the US and the EU, with positive consequences for both consumers and industry.

The absolute necessity for cooperation between the FTC and the European Data Protection Authorities in enforcement matters has been recognised in cross-border cases. It was therefore decided to intensify the dialogue between the Article 29 Working Party and the FTC.

### **- Meeting with representatives from the Council of Europe**

Mr Jean/Philippe Walter, Chairman of the Consultative Committee Convention 108 of the Council of Europe also attended the Working Party's plenary meeting to present and discuss the revision of Convention 108 that the Council of Europe is currently undertaking. The aim of the revision is not to redraft the text, since the basic principles remain valid, but the aim is to modernise the Convention and to strengthen the follow-up mechanisms of the Convention.

### **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/policies/privacy/workinggroup/index\\_en.htm](http://ec.europa.eu/justice/policies/privacy/workinggroup/index_en.htm)