

Brussels, 8 October 2012

ARTICLE 29 DATA PROTECTION WORKING PARTY

Future of Privacy:

European data protection authorities adopt opinion on data protection reform package

The European data protection authorities, assembled in the Article 29 Working Party, have adopted an opinion on the data protection reform package proposal that the European Commission presented earlier this year on 25 January 2012. The opinion contains a more detailed follow-up of the Article 29 Working Party's opinion of March 2012 that provided a first general reaction to the proposals.

Both the Council and the European Parliament have started their respective procedures in the legislative process. With a view to the current on-going discussions in the European Parliament and the Council, the Working Party has now adopted an opinion providing further guidance, notably on certain key data protection concepts such as the definition of personal data and the notion of consent. The opinion also provides criteria for analysing the need for and the effect of the proposed delegated acts. In the annex an analysis is made of each proposed delegated act to establish its necessity, and where appropriate, the opinion suggests more suitable alternatives.

Delegated acts allow Parliament and the Council to delegate to the Commission the power to adopt "non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act". In the proposal for a new Regulation on data protection, a considerable amount of delegated and implementing acts is foreseen.

The Article 29 Working Party welcomes the so-called "package" approach taken by European Parliament and is confident that all parliamentary committees involved will take careful consideration of all elements of the package in order to further improve both proposals. The Working Party also welcomes the steps undertaken by the Cypriot Presidency of the Council meant to reinvigorate discussions in the Council Working Group dealing with the reform.

The Article 29 Working Party is in the process of examining the principle of purpose limitation. This principle provides that personal data must be collected for specified, explicit and legitimate purposes and must not be further used in a way incompatible with those purposes. The European data protection authorities intend to adopt the opinion on this issue early next year. The Article 29 Working Party will also contribute to on-going discussions on the scope of the Regulation, notably concerning the exemption for household and personal use.

Link to opinion:

http://ec.europa.eu/justice/data-protection/article-29/documentation/opinion-recommendation/index_en.htm

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/data-protection/index_en.htm