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ARTICLE 29 DATA PROTECTION WORKING PARTY

European data protection authorities clarify principle of purpose limitation

The principle of purpose limitation protects data subjects by setting limits to the collection and further processing of their data. When an individual provides his or her personal data to a company or another organisation, he or she usually has certain expectations about the purposes for which the data will be used. There is a value in honouring these expectations and preserving trust and legal certainty. This is why the principle of purpose limitation is an important cornerstone of data protection.

Nevertheless, data that have already been gathered may be genuinely useful for other purposes, which are not initially specified. Therefore, there is also value in allowing, within carefully balanced limits, some degree of additional use. The principle of purpose limitation is designed to offer a balanced approach: an approach that aims to reconcile the need for predictability and legal certainty regarding the purposes of the processing on the one hand, and the pragmatic need for flexibility on the other.

In their opinion ([WP203](#)), the European data protection authorities, assembled in the Article 29 Working Party, assess the principle of purpose limitation with the aim to offer guidance on its practical application under the current legal framework. They furthermore highlight areas for improvement and provide recommendations with regard to the revision of the general data protection legal framework, currently being discussed in the European Parliament and Council.

The principle of purpose limitation has two main building blocks: personal data must be collected for 'specified, explicit and legitimate' purposes (purpose specification) and not be 'further processed in a way incompatible' with those purposes (compatible use). Further processing for a different purpose does not necessarily mean that it is incompatible, but compatibility needs to be assessed on a case-by-case basis, taking into account all relevant circumstances.

The European data protection authorities stipulate that in particular the following key factors need to be taken into account:

- the relationship between the purposes for which the personal data have been collected and the purposes of further processing;
- the context in which the personal data have been collected and the reasonable expectations of the data subjects as to their further use;

- the nature of the personal data and the impact of the further processing on the data subjects;
- the safeguards adopted by the controller to ensure fair processing and to prevent any undue impact on the data subjects.

Processing of personal data in a way incompatible with the purposes specified at collection is against the law and therefore prohibited. A data controller can therefore not legitimise incompatible data processing by simply relying on a new legal ground, such as, for example, in the context of a new privacy policy or another government task.

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 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/article-29/index_en.htm