

Brussels, 29 April 2013

ARTICLE 29 DATA PROTECTION WORKING PARTY

Meeting with FTC Commissioner Julie Brill

At their 90th plenary meeting on 16 April 2013, the European data protection authorities, assembled in the Article 29 Working Party (WP29), met with Julie Brill, Commissioner of the United States' Federal Trade Commission (FTC).

The FTC is an important interlocutor for WP29 on privacy issues in the United States as well as a crucial partner in privacy and data protection enforcement. Commissioner Brill informed the Working Party on recent activities of the FTC in the remit of privacy protection, highlighting the FTC's actions with regard to data brokers and mobile apps. She also informed about the revised Children's Online Protection Act, which is to take effect from 1 July 2013.

Both Julie Brill and Jacob Kohnstamm, Chairman of WP29, welcomed the on-going dialogue and constructive cooperation between the FTC and WP29 and stressed the need for further transatlantic cooperation, especially in enforcement matters, in order to achieve common goals.

Opinion examining and clarifying a key data protection provision: "legitimate interests"

Following the adoption of its opinion on purpose limitation in the beginning of April, the Working Party will - as announced in its Work Programme 2012/2013 - now focus on another key data protection provision, the legitimate interests of the controller.

Article 7 (f) of Directive 95/46 stipulates that the legitimate interests of a data controller can constitute a legal ground for processing, provided an assessment is made, balancing the fundamental rights and freedoms of individuals against the interests of a data controller to process personal data. The forthcoming WP29 opinion aims to clarify the notion of legitimate interest and to offer guidance as to how the balance of interests in practice is to be assessed. The opinion is expected to be finalised before the end of the year.

[Letters to IATA](#)

At its meeting, the Working Party furthermore decided to send letters to the International Air Transport Association (IATA) concerning the privacy impact assessment which is to be undertaken with regard to the so-called Checkpoint of the Future project and concerning the development of the so-called New Distribution Capability (NDC) project which entails

the collection of personal data of airline customers in order to offer customers personalised prices.

The next plenary meeting of the Working Party will be held in June 2013.

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/index_en.htm