

Brussels, 27 June 2013

ARTICLE 29 DATA PROTECTION WORKING PARTY

The European data protection authorities assembled in the Article 29 Working Party have issued an opinion ([WP207](#)) on the recently adopted Directive on the re-use of public sector information (the PSI Directive). In this opinion the European data protection authorities provide guidance to Member States on the implementation of this Directive.

On 26 June 2013, the European Union adopted Directive [2013/37/EU](#), amending the PSI Directive, which aims at facilitating the re-use of public sector information across the European Union.

The amended PSI Directive, subject to specific exceptions, now makes it mandatory for public sector bodies to allow re-use of all information they hold, for both commercial and non-commercial purposes, provided the information is publicly accessible under national law and re-use under the PSI Directive is in compliance with applicable data protection law.

The re-use of public sector information may bring benefits to society, including greater transparency of the public sector and stimulating innovation. Nonetheless, enhancing accessibility to public information, especially where this contains personal data, is not without risks.

In this regard, the Article 29 Working Party stresses that it is important to have a firm legal basis for making personal data publicly available, taking into account the relevant data protection rules, including the principles of proportionality, purpose limitation and data minimisation.

To ensure that adequate safeguards are in place, it is recommended to carry out a data protection impact assessment before public sector information containing personal data is made available for re-use. The Article 29 Working Party also recommends that the terms of the license to re-use public sector information include a data protection clause where necessary and provides guidance on the content of such clauses.

Finally, the Opinion provides some general guidance on anonymisation and anticipates further guidance from the Working Party on more technical aspects of anonymisation, which is expected later this year.

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