

**Press Release  
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**Issued by the ARTICLE 29 DATA PROTECTION WORKING PARTY**

**Deadline for consultation on Legitimate Interest Opinion extended until 27 June 2014**

On 9 April 2014, the European data protection authorities assembled in the Article 29 Data Protection Working Party (WP29) adopted its Opinion 6/2014 on the notion of legitimate interests of the data controller under Article 7 of Directive 95/46/EC ([Working Document WP217](#)) and decided to submit this opinion to a public consultation. The deadline for this consultation has now been extended until 27 June 2014 to allow all interested stakeholders and the general public sufficient time for comment.

A notice of the consultation is available at [http://ec.europa.eu/justice/data-protection/article-29/press-material/public-consultation/index\\_en.htm](http://ec.europa.eu/justice/data-protection/article-29/press-material/public-consultation/index_en.htm). Comments may be submitted in writing to the Secretariat of the WP29 via email at [JUST-ARTICLE29WP-SEC@ec.europa.eu](mailto:JUST-ARTICLE29WP-SEC@ec.europa.eu). The WP29 may make the contributions or a summary thereof publicly available on its website and intends to take them into account in its further work.

In the opinion the WP29 analyses the criteria set out in Article 7 of Directive 95/46/EC for making data processing legitimate. Focusing on the legitimate interests of the controller, it provides guidance on how to apply Article 7(f) under the current legal framework and makes recommendations for future improvements.

Article 7(f) requires a balancing of the legitimate interests of the controller, or any third parties to whom the data are disclosed, against the interests or fundamental rights of the data subject. The outcome of this balancing test will determine whether Article 7(f) may be relied upon as a legal ground for processing.

Appropriate use of Article 7(f) may help prevent over-reliance on other legal grounds such as consent. However, its use should not be unduly extended on the basis of a perception that it is less constraining than the other grounds. To help ensure legal certainty, the WP29 recommends inserting a recital into the proposed EU data protection regulation to specify which criteria the controller should take into account when carrying out the necessary 'balancing test'.

More details on the main lines of the opinion are available in the executive summary on page 3 and in Annex 1: Quick guide on how to carry out the Article 7(f) balancing test, on page 55-56.

## **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](http://ec.europa.eu/justice/data-protection/article-29/index_en.htm)