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“Big data” is expected to deliver important benefits that need to be assessed against privacy concerns. Striking this balance requires a careful assessment under EU data protection rules.

In this light, the European data protection authorities assembled in the Article 29 Working Party (WP29) sent a letter to Mr. John Podesta, Counselor to the US President, to share their preliminary thoughts on his recommendations, published last May, on these issues. The Working Party intends to release its own analysis later this year.

The report entitled “Big data: seizing opportunities, preserving values”, which was released by the Executive Office of the US President last month, devotes substantial attention to the privacy issues raised by the development of big data.

The WP 29 welcomes a number of policy recommendations made in the report, namely the extension of privacy protections existing in the United States to non-US persons. The effectiveness of such an extension is indeed critical for European citizens in the aftermath of the recent revelations on the mass surveillance programmes operated on European citizens by intelligence services, notably in the United States.

Also, the WP29 takes note of the support for a greater interoperability of privacy standards at the international level, which constitutes a key element to ensure the effective protection of individuals with regard to the processing of their personal data, in the EU and elsewhere.

The Working Party also agrees with the idea that processing techniques applied to big data could lead to discriminatory outcomes, infringing the right to equal treatment and to not be discriminated.

The Working Party wants to indicate that at this stage it has no reason to believe that the EU data protection principles, as they are enshrined in Directive 95/46/EC, are fundamentally challenged by the development of big data.

A number of its recent policy documents are actually relevant to deal with some privacy concerns identified in the report – e.g. its Opinion 05/2014 on Anonymisation Techniques or its Opinion 01/2014 on the Application of necessity and proportionality concepts and data protection within the law enforcement sector. The Working Party would also like to refer to its Opinion 03/2013 on purpose limitation, its Opinion 06/2013 on open data and public sector information re-use, and its Opinion 06/2014 on legitimate interest.

With all these elements in mind, the Working Party intends to carry out a more comprehensive assessment of the development of big data on the basis of the EU legal framework.

The Working Party looks forward to further exchanges on these challenging developments.

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