

5143 /99/EN
WP 26

**Working Party on the Protection of Individuals with
Regard to the Processing of Personal Data**

Recommendation 4/99

**on the inclusion of the fundamental right to data protection
in the European catalogue of fundamental rights**

Adopted on 7 September 1999

THE WORKING PARTY ON THE PROTECTION OF INDIVIDUALS WITH REGARD TO
THE PROCESSING OF PERSONAL DATA

set up by Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995,¹
Having regard to Articles 29 and 30(3) of that Directive,
Having regard to its Rules of Procedure, and in particular Articles 12 and 14 thereof,

HAS ADOPTED THE FOLLOWING RECOMMENDATION:

At its meeting on 4 June in Cologne, the European Council decided to draw up a charter of fundamental rights of the European Union. In its decision, the Council noted that "there appears to be a need, at the present stage of the Union's development, to establish a charter of fundamental rights in order to make their overriding importance and relevance more visible to the Union's citizens."

The Working Party, composed of those responsible for data protection in the Member States of the European Union, wholeheartedly supports the European Council's initiative to draw up an EU charter of fundamental rights. It notes that some European countries have incorporated fundamental rights on data protection into their constitution. In others, these rights have acquired constitutional force through case law.

In their decisions and judgments, the European Commission and the European Court of Human Rights have developed and defined a fundamental right based on various human rights which relate to the protection of personal data.

Finally, under the new Article 286 of the Treaty on European Union, Community acts on data protection have applied to the European institutions and bodies since 1 January 1999.

Inclusion of data protection among the fundamental rights of Europe would make such protection a legal requirement throughout the Union and reflect its increasing importance in the information society.

The Working Party therefore recommends that the European Commission, the European Parliament and the Council of the European Union include the fundamental right to data

¹ Official Journal No. L 281 of 23/11/1995, p. 31, available at: <http://europa.eu.int/comm/dg15/en/media/dataprot/index.htm>

protection in the charter of fundamental rights. The Working Party is prepared to help in the drawing-up of the charter.

Done at Brussels,

7 September 1999

For the Working Party

The Chairman

Peter J. HUSTINX