
Brussels, 18 October 2010

ARTICLE 29 DATA PROTECTION WORKING PARTY

European Data Protection Authorities commit to providing further input for 'Future of Privacy'

The European Data Protection Authorities, assembled in the Article 29 Working Party, are looking forward to the Communication that the European Commission will issue shortly on the Review of the Data Protection Regulatory Framework. The Article 29 Working Party is determined to closely follow the review and has committed itself during its 77th plenary meeting on 12 October 2010 in Brussels to continue providing the European Commission with relevant input. Therefore the Working Party will in the coming months issue several opinions such as on applicable law and on consent.

In December 2009 the Article 29 Working Party published its contribution 'Future of Privacy', to the European Commission's consultation on the legal framework for the protection of personal data. The Working Party again provided input on 14 July 2010 during a stakeholders consultation meeting with Commissioner Reding. The European data protection authorities have committed themselves to provide opinions on consent and on applicable law clarifying which Member State is responsible and which law is applicable when several Member States are concerned by the processing or when the data controller is not established in the EU but provides its services to EU residents. In addition, the Commission has very recently asked the Working Party to provide opinions on the system of notification, sensitive data, and on how Member States currently put in practice the Directive's article on competency of each supervisory authority on the territory of its own Member State (article 28(6) of Directive 95/36/EC).

During the plenary meeting the following topics were also on the agenda:

- General standards for use of Passenger Name Record

On 21 September 2010 the EU Commission presented its Communication establishing a set of general criteria that should be applied to all future PNR agreements with third countries. Although the Communication is a step in the right direction according to the Working Party, the Communication does not demonstrate the necessity of PNR data for the international fight against terrorism. The Working Party has at earlier stages issued a number of Opinions identifying privacy issues regarding PNR transfers and will shortly publish an Opinion on the Communication on the global approach to transfers of Passenger Name Record (PNR).

- Election of Vice-Chairman Article 29 Working Party

The Article 29 Working Party elected a new Vice-Chairman, Mr. Igor Němec of the Czech Republic Data Protection Authority.

- Data protection law of Uruguay guarantees adequate level of protection

The Article 29 Working Party continues its work on the assessment of data protection legislation in third countries, as stated in Article 30 1. b) of the Directive 95/46/EC. During the plenary meeting the Article 29 Working Party adopted an opinion attesting that the data protection legislation of Uruguay guarantees an adequate level of protection according to the Directive 95/46/EC.

This opinion will be taken into consideration by the European Commission when deciding on the official adequacy decision.

The Opinion is available at:

http://ec.europa.eu/justice/policies/privacy/workinggroup/wpdocs/2010_en.htm

More information on adequacy of third countries is available at:
http://ec.europa.eu/justice/policies/privacy/thridcountries/index_en.htm

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_home/fsj/privacy/workinggroup/index_en.htm