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Věra Jourová

Commissioner for Justice,
Consumers and Gender Equality



Directorate-General for
Justice and Consumers



How will the EU's reform adapt data protection rules to new technological developments?

Switching service providers – how does data portability work?

Social networks and photo-sharing websites allow people to store hundreds of photos, personal messages and personal contacts. If, for example, an individual who posted photos on a photo-sharing site decides that he wants to use another service provider, he shall be able to transfer all these photos without any obstacles or loss. In a world where technology develops continuously, users should not be bound to one provider simply because it is inconvenient for them to move their data. Such practices stifle competition and choice.

How is the digital environment challenging data protection?

The rapid pace of **technological change** and **globalisation** have profoundly transformed the scale and way personal data is collected, accessed, used and transferred. There are several good reasons for reviewing and improving the current rules, which were adopted in 1995: the increasingly **globalised nature of data flows**, the fact that personal information is collected, transferred and exchanged in huge quantities, across continents and around the globe in milliseconds and the arrival of **cloud computing**. In particular, cloud computing – where individuals access computer resources remotely, rather than owning them locally – poses **new challenges** for data protection supervisory authorities, as data can and does move from one jurisdiction to another, including outside the EU, in an instant. In order to ensure a continuity of data protection, the rules need to be brought in line with technological developments.

Attitudes towards data protection

- A large majority of people (71%) still say that providing personal information is an increasing part of modern life and accept that there is no alternative other than to provide it if they want to obtain products or services
- Over half of Europeans who use the Internet use an online social network at least once a week. This proportion is similar for using messaging or chat sites.
- 69% of people say their explicit approval should be required in all cases before their data is collected and processed.
- More than six out of ten respondents say that they do not trust landline or mobile phone companies and internet service providers (62%) or online businesses (63%).
- 67% find it important to be able to transfer personal data to a new online service provider ('data portability').

Special Eurobarometer 431 - Data protection, June 2015

What is the EU Data Protection Reform about?

The new General Data Protection Regulation introduces one, single, **technologically neutral** and **future-proof set of rules across the EU**. This means that regardless of how technology and the digital environment develop in the future, the personal data of individuals in the EU will be secure, and their fundamental right to data protection respected.

The new Regulation will also reinforce the **'right to be forgotten'**, so that if an individual no longer wants their personal data to be processed, and there is no legitimate reason for an organisation to keep it, it must be removed from their system.

Citizens will also have a right to **data portability**, i.e. the right to obtain a copy of their data from one Internet company and to transmit it to another one without hindrance from the first company. These proposals will help **build trust in the online environment**, which is good for individuals and businesses. The new rules will create fair competition: all non-EU companies will have to apply the same rules as EU companies when offering goods or services in the EU.

How will this help?

This trust will enable consumers to engage with innovative technologies and purchase **online in full confidence that their personal data will be protected**. Increased demand for privacy friendly products and services will foster new investment and the creation of new jobs and release the single market's potential to provide a **greater choice of goods at lower prices**. This increase in economic activity will also help businesses, especially small and medium-sized businesses (SMEs) **grow to their full potential** within the single market. By having **future-proof, technologically neutral regulations**, the Commission's proposals will give **long-lasting certainty** to data protection issues online. The EU Data Protection Reform will be an enabler for **Big Data** services in Europe by promoting the adoption of principles such as data protection by default and by design, enhancing transparency and fostering consumers' trust and boosting competition through the new right of data portability as well as the creation of a level playing field for all companies active in the single market.

What will be the key changes?

- Guaranteeing **easy access to one's own personal data** and the **freedom to transfer personal data** from one service provider to another.
- Establishing the **right to be forgotten** to help people better manage data protection risks online. When individuals no longer want their data to be processed and there are no legitimate grounds for retaining it, the data will be deleted.
- Ensuring that whenever the consent of the individual is required for the processing of their personal data, it is always **given by means of a clear affirmative action**.
- Ensuring a **single set of rules** applicable across the EU.
- **Clear rules** on when EU law applies to data controllers **outside the EU**.

Any questions?

http://ec.europa.eu/justice/data-protection/index_en.htm

Contact Europe Direct: 00 800 67 89 10 11 - <http://europa.eu/europedirect/>