

Tasks of the Article 29 Data Protection Working Party

The Working Party was set up to achieve several primary objectives:

- To provide expert opinion from member state level to the Commission on questions of data protection.
- To promote the uniform application of the general principles of the Directives in all Member States through co-operation between data protection supervisory authorities.
- To advise the Commission on any Community measures affecting the rights and freedoms of natural persons with regard to the processing of personal data and privacy.
- To make recommendations to the public at large, and in particular to Community institutions on matters relating to the protection of persons with regard to the processing of personal data and privacy in the European Community.

The Working Party has been established by Article 29 of Directive 95/46/EC. It is the independent EU Advisory Body on Data Protection and Privacy. Its tasks are laid down in Article 30 of Directive 95/46/EC and in Article 15 of Directive 2002/58/EC.

Articles 29 and 30 of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data¹

Official Journal L 281, 23.11.1995 p. 0031 – 0050

"Article 29

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

1. *A Working Party on the Protection of Individuals with regard to the Processing of Personal Data, hereinafter referred to as 'the Working Party', is hereby set up. It shall have advisory status and act independently.*
2. *The Working Party shall be composed of a representative of the supervisory authority or authorities designated by each Member State and of a representative of the authority or authorities established for the Community institutions and bodies, and of a representative of the Commission.
Each member of the Working Party shall be designated by the institution, authority or authorities which he represents. Where a Member State has designated more than one supervisory authority, they shall nominate a joint representative. The same shall apply to the authorities established for Community institutions and bodies.*
3. *The Working Party shall take decisions by a simple majority of the representatives of the supervisory authorities.*
4. *The Working Party shall elect its chairman. The chairman's term of office shall be two years. His appointment shall be renewable.*
5. *The Working Party's secretariat shall be provided by the Commission.*
6. *The Working Party shall adopt its own rules of procedure.*
7. *The Working Party shall consider items placed on its agenda by its chairman, either on his own initiative or at the request of a representative of the supervisory authorities or at the Commission's request.*

Article 30

1. The Working Party shall:

- (a) examine any question covering the application of the national measures adopted under this Directive in order to contribute to the uniform application of such measures;*
- (b) give the Commission an opinion on the level of protection in the Community and in third countries;*
- (c) advise the Commission on any proposed amendment of this Directive, on any additional or specific measures to safeguard the rights and freedoms of natural persons with regard to the processing of personal data and on any other proposed Community measures affecting such rights and freedoms;*
- (d) give an opinion on codes of conduct drawn up at Community level.*

¹ See http://ec.europa.eu/justice_home/fsj/privacy/index_en.htm

2. *If the Working Party finds that divergences likely to affect the equivalence of protection for persons with regard to the processing of personal data in the Community are arising between the laws or practices of Member States, it shall inform the Commission accordingly.*
3. *The Working Party may, on its own initiative, make recommendations on all matters relating to the protection of persons with regard to the processing of personal data in the Community.*
4. *The Working Party's opinions and recommendations shall be forwarded to the Commission and to the committee referred to in Article 31.*
5. *The Commission shall inform the Working Party of the action it has taken in response to its opinions and recommendations. It shall do so in a report which shall also be forwarded to the European Parliament and the Council. The report shall be made public.*
6. *The Working Party shall draw up an annual report on the situation regarding the protection of natural persons with regard to the processing of personal data in the Community and in third countries, which it shall transmit to the Commission, the European Parliament and the Council. The report shall be made public."*

Article 15 of Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications)

Official Journal L 201, 31.07.2002 p. 0037 – 0047

"Article 15

Application of certain provisions of Directive 95/46/EC

- (...)3. The Working Party on the Protection of Individuals with regard to the Processing of Personal Data instituted by Article 29 of Directive 95/46/EC shall also carry out the tasks laid down in Article 30 of that Directive with regard to matters covered by this Directive, namely the protection of fundamental rights and freedoms and of legitimate interests in the electronic communications sector."*