



THE SENATE
OF THE PARLIAMENT OF THE CZECH REPUBLIC
9TH TERM

443rd

RESOLUTION OF THE SENATE

Delivered on the 19th session held on 20th March 2014

on the Communication from the Commission to the European Parliament and the Council Rebuilding Trust in EU-US Data Flows (Senate Press no. K 105/09)

The Senate

I.

1. Emphasizes

the importance and significance of the transatlantic partnership and mutual cooperation based on mutual trust;

2. Perceives

that the issue of personal data protection is considered as a serious and sensitive area, which is confirmed by the attention devoted to this subject at the meeting of the European Council and the Conference of European Affairs Committees (COSAC) in the second half of 2013;

3. Supports therefore

cooperation between the EU and the USA in the field of personal data protection, since the regulation of collecting, processing, transferring and using of personal data is an essential guarantee of the fundamental right to protection from personal data abuse and against interference in privacy; transfers of personal data are an inevitable part of trade and ensuring its protection is an important element of cooperation in law enforcement, even in the context of national security;

4. Agrees

with the Commission, the European Data Protection Supervisor and the Office for Personal Data Protection that the mass monitoring of private communication of citizens, businesses and political leaders of European countries by the US intelligence services is unacceptable, and therefore, in accord with this Communication, supports actions and measures to eliminate such practices, and restore and maintain mutual trust in data flows between the EU and the USA, having also in mind a successful continuation of the digital market project within the Europe 2020 strategy; in addition, it welcomes recent positive steps taken by the USA related to reform of the intelligence services legislation;

II.

1. Concurs

with the European Commission's view that the negotiations on the personal data protection should not be associated with other areas of cooperation between the EU and the USA, nor should they determine this cooperation;

2. Considers it primarily desirable

to implement steps that would lead to reducing disparities, or to achieving an equivalent level of protection in terms of procedural safeguards for citizens whose data is processed, due to the fact that EU citizens enjoy in the USA a lower level of protection than US citizens (they have poorer access to information and are unable to correct or delete collected data, nor do they have the possibility of administrative or judicial redress);

3. Agrees

also with the need to strengthen and improve functioning of the Safe Harbour;

4. Considers

a clear and quality legislation in the area of personal data protection in the EU as one of the prerequisites for effective cooperation in the regulation of data flows with the USA;

5. Therefore recalls

its 614th Resolution of 24 May 2012 on the new EU framework for data protection (proposal for a general data protection regulation and a proposal for a directive on the data protection with regard to the criminal proceedings), in which it

- supported the effort of the European Commission to improve the quality of the Europe-wide framework for data protection;
- expressed the opinion that the legislation should be adapted to the technological development, but also
- expressed its reservations about the applicability of the proposed directive on the data protection with regard to the criminal proceedings even to cases without any cross-border element, which is not in compliance with the chosen legal basis, and about the overall concept of the proposed acts which, in the opinion of the Senate, does not clarify and simplify the legal regulation and may result in an extensive administrative burden on its addressees, while the added value is not always apparent;

III.

1. Requests

the Government to inform the Senate about the way this position was taken into account and about further initiatives following this Communication;

2. Authorises

the President of the Senate to forward this Resolution to the European Commission.

Milan Štěch
sign manual
President of the Senate

Libor Michálek
sign manual
Senate Verifier