

Courtesy translation



THE SENATE
OF THE PARLIAMENT OF THE CZECH REPUBLIC

11TH TERM

310TH

RESOLUTION OF THE SENATE

Delivered on the 11th session held on 6th December 2017

on the Proposal for a Regulation of the European Parliament and of the Council on a framework for the free flow of non-personal data in the European Union /Senate Print no. N 072/11, COM(2017) 495/

The Senate

I.

Supports

the initiative for the free flow of non-personal data in the EU which eliminates unjustified or disproportionate national rules restricting data storage or other processing on the territory of a specific Member State;

II.

1. Points out, however,

the ambiguity of the definitions which have to be better specified, particularly the definition of 'non-personal data', on the basis of which the scope of this regulation is defined, and 'professional user'; in the first case the Senate recommends to indicate in the Regulation examples of data which can be considered as non-personal data;

2. Agrees

with the preservation of possibility for the Member States to restrict data storage or other processing by reason of public security; however, the Senate is of the opinion that the definition of 'public security' needs to be clarified;

3. Recommends

also to explicitly state in the Regulation that this proposed exception covers also data necessary for ensuring the defence and security of the Member State;

4. Emphasizes

that the proposal must not question the protection of trade secrets and other sensitive data related to know-how;

5. Believes

that the proposal must not undermine contractual freedom of service providers which the Senate considers to be essential for respect of principles of free market of goods and services in the EU;

6. Requests the clarification

of intentions of the European Commission in case of its discontent with the development of self-regulation in the area of data portability;

III.

1. Requests

the Government to inform the Senate about the way this resolution was taken into account and about further development of negotiations once the political agreement of the required number of Member States on the main elements of the proposal is reached, or at an earlier time, should the results of negotiations in the Council begin to depart considerably from the position of the Czech Republic expressed in the General Position of the Government;

2. Authorises

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

Milan Štěch
sign manual
President of the Senate

Michael Canov
sign manual
Senate Verifier