

Brussels, February 12, 2009

ARTICLE 29 DATA PROTECTION WORKING PARTY

The Article 29 Working Party held its 69th plenary session in Brussels on February 10-11, 2009.

SEARCH ENGINES

The Article 29 Working Party met four search engine operators - Google, Microsoft, Yahoo! and Ixquick (being a meta search engine) at its two-day plenary meeting in Brussels.

Invited operators represent major players in this field and committed themselves to work with data protection authorities to improve their privacy practices.

Yesterday's meeting was part of activities following the adoption of the opinion on data protection issues related to search engines in April 2008. The debate focused on three major topics: the data retention period; anonymisation; and applicable laws.

The Article 29 WP recalls that in principle, it considers six months a reasonable maximum retention period; search engines must justify retention periods especially if they exceed six months. As for anonymisation, this must be done in an efficient and irreversible way.

First of all, the Article 29 WP recognises the efforts of these search engine operators to bring their policies in line with European data protection legislation as invited by the said opinion and considers discussions with online search industry very useful. However, there are still some important points left to be clarified by the operators. The Article 29 WP will continue to work with search engine providers on these matters.

Secondly, the Article 29 WP has witnessed with great satisfaction that privacy and data protection have become competitive advantages and that search engines consider that privacy is an important element of their business model. They are looking to become leaders in this field as regards retention periods, efficient anonymisation of stored data and transparent, comprehensive, but easy-to-understand privacy notices to citizens.

However, some operators fear that if search engine providers fail to adopt equivalent practices, they could benefit from an unfair competitive advantage. Therefore, some operators called for a need for a common industry standard that would include, among other features, truly efficient anonymisation and a maximum retention period of six months.

The Article 29 WP welcomes the call for industry standards in online search, nevertheless it has to point out that the European data protection and privacy legislation should be the basis for this initiative.

To conclude, the Article 29 WP sees the results of its ongoing engagement with the search engine operators from early stages throughout the adoption of the opinion until yesterday's debate as a very positive signal that will have an enormous impact on millions of individuals.

Background information

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 WP is competent to examine questions covering the application of the national measures adopted under 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