
Brussels, 15 July 2010

ARTICLE 29 DATA PROTECTION WORKING PARTY

European Commission Vice-President Reding: Data protection authorities should be strengthened

European Data Protection Authorities meet with European Commission Vice-President Viviane Reding to discuss the review of the data protection framework

On 14 July, the European data protection authorities, united in the Article 29 Data Protection Working Party (WP29), met Viviane Reding, the EU's Justice Commissioner, who presented the Commission's ideas on the review of the EU data protection legal framework. Vice-President Reding indicated that the role of data protection authorities should be strengthened and that they should have the necessary sanction and enforcement powers. She also stressed the need to have one legal framework on data protection at EU level, for the private and the public sectors, including police and judicial cooperation. This framework should ensure a high level of protection for individuals, regardless of where their data are being processed and by whom. She furthermore emphasized the importance of strengthening data subjects' rights, particularly in the online environment. Individuals should have control over their own data, be clearly informed in a transparent way, and be able to effectively exercise their rights.

The European data protection authorities discussed the need to rethink the role of WP29 to ensure that national laws on supervision and enforcement are uniformly and effectively applied. The sanction and enforcement powers of the data protection authorities need to be reinforced and harmonised. This includes the need for the authorities to be given the same tools to sanction breaches and to enforce the data protection legislation.

The authorities also discussed how to strengthen data subjects' online rights. The necessity of effective application of consent requirements was highlighted. Other questions raised concerned the need to further harmonise and simplify EU procedural rules on data protection and thus reduce the administrative burden within the Single Market. Finally, the authorities discussed how to address globalisation and improve international data transfers while ensuring a high level of data protection.

See also the December 2009 joint contribution to the Consultation of the European Commission on the legal framework for the fundamental right to protection of personal data of the Article 29 Working Party:

http://ec.europa.eu/justice_home/fsj/privacy/news/docs/pr_01_12_09_en.pdf

- **Accountability: European Data Protection Authorities recommend strengthening the role of the data controller and increasing his responsibility for compliance**

During their plenary meeting, the European Data Protection Authorities adopted an opinion on accountability, with an advice to the EU Commission to include a provision on the accountability principle in the new legislative framework (http://ec.europa.eu/justice_home/fsj/privacy/workinggroup/wpdocs/2010_en.htm).

The accountability principle aims at strengthening the role of the data controller and increasing his responsibility for compliance. Nowadays, there is an increasing need and interest for data controllers to ensure that they take effective measures to deliver real data protection. Building and maintaining a good reputation, ensuring the trust of citizens and consumers, and minimising the legal, economic and reputational risks that are likely to derive from poor data protection practice are becoming more crucial for data controllers in all sectors.

Accountability-based mechanisms aim at delivering these goals. A statutory accountability principle would explicitly require data controllers to implement appropriate and effective measures to put into effect the principles and obligations of the Directive and demonstrate this on request. In practice this should translate into effective scalable compliance programs aiming at implementing the existing data protection principles, and controllers should be able to demonstrate to data protection authorities, upon their request, that their program fulfils the requirement of accountability. The type of procedures and mechanisms would vary according to the risks represented by the processing and the nature of the data.

Background information

The European data protection authorities (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 Article 29 Working Party is competent to examine any question covering the application of 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