

**Press Release  
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**Brussels, 10 April 2014**

**Issued by the Article 29 Data Protection Working Party**

**On 10 April 2014, following the recent revelations on surveillance programmes, the Article 29 Working Party (WP29) adopted an opinion on surveillance calling for, inter alia, greater transparency and more meaningful oversight over the activities of intelligence services.**

The revelations, since the summer 2013, of mass surveillance activities of intelligence services in the US and in the EU have sparked an international debate on the consequences for citizens' privacy of such a large-scale surveillance. There is strong expectation from citizens in Europe to address their concerns.

In its opinion, the Working Party stated that, under the current legislation, massive, indiscriminate and systematic surveillance is illegal. The WP29 firmly recalls that in no case the fight against terrorism and other important threats on national security could justify such massive, indiscriminate and systematic surveillance on EU citizens and that restrictions to their fundamental rights may only be accepted if the measure is strictly necessary in a democratic society and proportionate to its goal.

The WP29 recommends namely the following:

- EU Member States should ensure greater transparency and control over surveillance activities of their intelligence services. This includes a right for individuals to be informed and granted adequate data protection safeguards when their personal data are being collected and transferred.
- To ensure that no abuse of surveillance programmes will happen again, there should be an effective and independent external oversight on the intelligence services, which implies a genuine involvement of the data protection authorities.
- EU institutions should finalize the negotiations on the data protection reform package, and retain in particular the proposal of the European Parliament for a new article 43a providing for mandatory information to individuals when access to data has been given to a public authority in the last twelve months.
- An enforceable international agreement should be adopted to provide strong guarantees for individuals in the context of surveillance activities.

The WP29 further recalls that the current EU data protection legal framework should be fully applied, that controllers subject to EU jurisdiction may be subject to sanctions and that data protection authorities may suspend data flows.

The adoption of this opinion coincides with the ruling of the European Court of Justice on 8 April 2014 which declared the Directive 2006/24/EC (the 'Data Retention Directive') to be invalid. This landmark judgment holds that, by allowing for the blanket government surveillance of communications data, the EU legislature has interfered in a wide-ranging and particularly serious manner with the fundamental rights granted by Articles 7 and 8 of the Charter of Fundamental Rights and not sufficiently circumscribed that interference to ensure that is actually limited to what is strictly necessary.

The WP29 will organise a conference on surveillance in the second half of 2014, bringing together all relevant stakeholders, with the aim to better inform individuals on the consequences of the use of electronic communication services and how to protect themselves.

### **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 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/data-protection/article-29/index\\_en.htm](http://ec.europa.eu/justice/data-protection/article-29/index_en.htm)