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Issued by the Article 29 Data Protection Working Party
Press release on the independence of data protection authorities

On April 20th the Croatian data protection authority adopted a decision on the internet publication of some personal data, on the grounds that it went beyond what is prescribed in the Croatian prevention of conflict of interest law.

On a basis of the preliminary information available, the Working Party understands that on May 7th the Croatian Government submitted to the Croatian Parliament a proposal to dismiss the Director and Deputy Director of the data protection authority without any explanation. The Parliament decided under an emergency procedure to exempt the "Act on the prevention of conflict of interest" from data protection rules. This amendment entered into force on May 28th. The leadership of the authority is still at risk of dismissal awaiting a further vote of the Parliament. The authority has informed the European Commission.

The Working Party at its Plenary meeting in Brussels deplores this attack on the principle of complete independence¹ of data protection authorities in exercising their functions by means of a dismissal threat to the authority's leaders, instead of challenging the authority's decision in the competent national court as would have been an appropriate route of redress. This is without prejudice of the scrutiny of the conformity of the new law with the EU treaties and the Directive 95/46/EC.

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

¹ The requirement for national data protection authorities to act in complete independence is foreseen by Article 28 of the Directive 95/46/EC, Article 16 of the Treaty on the Functioning of the EU and Article 8 of the Charter of Fundamental Rights and has already been confirmed by the European Court of Justice in its rulings in cases concerning Hungary (C-288/12), Austria (C-614/10) and Germany (C-518/07).