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ARTICLE 29 DATA PROTECTION WORKING PARTY

Chairman of the Article 29 Working Party: Proposals a chance for better protection

Jacob Kohnstamm, Chairman of the Article 29 Working Party believes the proposals provide a sound basis for a European regulatory framework to effectively protect the fundamental right to data protection, but emphasises the need for further improvement.

The Chairman of the Article 29 Working Party welcomes the proposals adopted by the European Commission that seek to reinforce the position of data subjects, to enhance the responsibility of controllers and to strengthen the position of supervisory authorities, both nationally and internationally. Jacob Kohnstamm believes that the rules proposed can put an end to the existing fragmentation and, subject to further improvement, strengthen data protection across Europe.

Kohnstamm in particular welcomes the inclusion of provisions that give incentives to controllers to invest, from the start, in getting data protection right (such as PIAs, Privacy by Design and by Default). The proposals place clear responsibility and accountability on those processing personal data, throughout the information life cycle.

Furthermore, Chairman Kohnstamm underlines the importance of the provisions intended to clarify and strengthen data subjects' rights, notably by clarifying the notion of consent, the introduction of a general transparency principle and enhanced redress mechanisms. Also, the introduction of a data breach notification duty that provides consistency across all sectors is very welcome.

The proposals harmonise the powers and competences of supervisory authorities to more effectively ensure and where necessary enforce compliance, both individually and in cooperation with each other, for example, by being able to impose significant fines. Kohnstamm: "With these measures robust and effective enforcement by DPAs can finally be realised."

Chairman Kohnstamm however regrets the Commission's level of ambition in the area of police and justice and underlines the need for stronger provisions in this field.

The Chairman of the Working Party therefore calls on the Council and members of the European Parliament to grasp the opportunity to further improve both proposals and enhance the protection of personal data in the European Union.

The Working Party will examine the proposals carefully and will as soon as possible present a detailed reaction.

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