



*20 March 2018*

*Speech to LIBE on Annual Report 2017*

*Giovanni Buttarelli*

Thank you Chair for that generous introduction.

Honourable Members it is my privilege again to present to you the EDPS Annual Report for 2017.

This is our 14<sup>th</sup> annual report and it marks in one sense the end of an era.

When I come to present to you our 2018 annual report I will giving account not only for the EDPS but also for the secretariat to the EDPB.

A lot of my energy has been spent on ensure that the new Board will have everything it needs from day one to provide a world class service to individuals and controllers.

Success will rest - not on the consistency mechanism - but on the good will and collegiality of members of the Board, to reach consensus on how to deal with cross border cases, how to provide practical advice to controllers.

Sanctions will come, but they illustrate the cultural differences between the 29 regulators around the table. We have to speak with one voice and give legal certainty to citizens and markets.

This exhausting cycle of reform for the digital era is coming to a close.

We are going to see now how the rules, so carefully debated and adopted in this Parliament, will play out, on the ground, for the first generation of digital natives.

I am pleased to report that the EU institutions are generally ready.

It is a cliché, but for the EU administration it is just like with the private sector: size does indeed matter.

The smaller EU bodies require more hands-on guidance and encouragement.

The larger institutions have resources, experience and established programmes of risk management.

We have seen modest drop in the number of complaints received compared to 2016, but almost a doubling of notifications of processing operations for prior check opinions.

A big majority of risky operations notified concerned administrative procedures like recruitment, appraisals and disciplines.

Looking back over the past few years, I find that our predictions have been generally sound.

We raised some eyebrows when 3 years ago we said that we needed an urgent discussion on the ethics of how data driven technologies were developing.

We have continued to argue for accountability and safeguards, and not bureaucracy as the key to effective data protection.

And we have argued that the GDPR is not enough. With a concentrated market, the enormous strength of the tech giants, and systemic problems of covert tracking, we need cross-regulatory action.

So that is why I was pleased for LIBE and Ana Gomes to call for this coherent approach on your resolution on big data and fundamental rights last year.

My main message today is that this is the year of data protection and privacy.

It is on top of the political agenda. The challenge will be to keep it there.

This House is centre stage, and that is the way it should be.

My role is to continue to be an honest and professional advisor to the institutions.

We also will continue to act, at the request of the court, as amicus curiae before the CJEU.

Our role will continue after GDPR but we will of course ensure synergy between our own advice and the output of the EDPB, of which we will be an active and loyal member.

EP may look to us to provide swift technical expertise especially where data protection is affected by application of emerging technologies.

This is the year of data protection.

From today you will see the new website for the International Conference of Privacy Commissioners, to be hosted in this Parliament 22-25 October this year.

It will be a showcase for your leadership as a progressive legislator who puts the interests of the ordinary woman and man at the heart of the law.

It will be an outward-looking debate on digital ethics, with visionary speakers and political leaders from around the world. Not the usual suspects.

You will be in Strasbourg that week but I want you to consider it to be your platform to demonstrate the EU's forward thinking.

This is a moment to hold our nerves, to consolidate the progress which has been made.

Last year we began to work with you and with the Council on a proposal for a Digital Content Directive which, as originally proposed, risked undermining the GDPR.

This year we will stand ready to assist you on the free flow of data initiative.

Like with trade and investment agreements, we have been clear that there should be no loopholes for compromising fundamental rights.

Data flows are essential but they have to be according to the proper rules.

Yesterday I published an Opinion on data protection and online manipulation. Why? Because we felt in the data protection community that the whole debate on 'fake news' was forgetting one simple fact: abuses of people's digital selves occur because of uncontrolled, unaccountable and disrespectful, constant monitoring of their behaviour.

Enforce the law, and complete the law with the ePrivacy regulation, and, I predict, it will do more to stop online manipulation than anything else.

10 years ago the global financial system faced a meltdown because of a lack of accountability for millions of micro decisions in a system that nobody could understand anymore.

I am afraid that we are reaching a similar boiling point now with the global digital information ecosystem.

One last word about your ongoing deliberations on the reform of Regulation 45/2001.

Like you, I care deeply about EU leading by example in the laws it passes and in the way it that it applies those laws.

Like you, I appreciate this is a rare opportunity to align with the GDPR as far as possible the rules applying to EU bodies in the old 'third pillar' of law enforcement and judicial cooperation.

Let me be clear that I am in full agreement with those in this House who want to take this opportunity.

The interests of personal data protection are served by preserving existing high standards as well as ensuring coherence, consistency and foreseeability for data subjects.

I know see first-hand, as supervisor, how Europol are attempting to meet their new responsibilities.

We have already secured the agreement of the agency to clarify in their Integrated Data Management Concept Guidelines the purposes for processing data held in the same database.

Intensive continues work on questions of data retention and other issues relating analysis products.

Let me finish by paying tribute to this House. It has been a legislature with an exceptional burden of responsibility for personal data protection.

You are close to signing off on a historical chapter without parallel anywhere else in the world.

More than 100 countries have drawn inspiration from the European approach to respecting information about people's lives.

We are grateful for this.

With around a year remaining until the next parliamentary elections, please know that we are fully at your disposal for all our forces to help you finish the job.

We are aware of the points to be clarified regarding ePrivacy and Regulation 45.

There is a big expectation in EU and wider world of e-communications

The objective of ensuring full consistency should not be underestimated.

Some prominent members, privacy champions, have already signalled their intention to leave this House. We pay special tribute to them.

Tim Berners-Lee last week pointed to two myths about the state of digital life today.

First, the myth that monetising people's attention and data is the only way of powering digital prosperity for all.

Second, that we can just leave it to the big platforms to work out solutions.

That is not fair on European companies and start-ups.

It is not fair on people in Europe.

And it is not fair on the tech giants either - it is not their public responsibility to regulate markets.

That is your job and mandate from European citizens.

Thank you for your attention and I look forward to answering any questions you might have.