



“Responding to Data Breaches”

- October 2009 -

Marie-Hélène Boulanger, Head of unit
European Commission
DG Freedom, Justice and Security
Unit D5 : Data protection



Main developments

- **Communication on the Stockholm programme:**

- A **comprehensive protection scheme**.
- The **current legal framework** introduces a high level of protection. **Further legislative or non-legislative initiatives** may be necessary to maintain the effective application.

- **Treaty of Lisbon**

- **New legal base: Art. 16 TFEU**

Public consultation

- **2009**: Conference "Personal data - more use, more protection?", 19-20 May 2009

- **2009**: Public consultation (end 31.12.)

• http://ec.europa.eu/justice_home/news/consulting_public/news_consulting_0003_en.htm



Directive 95/46/EC and security breach notifications

- Directive 95/46/EC contains no specific provisions which specifically relate to security breach notification.
- BUT
 - General requirements for security and confidentiality (Article 17)
 - Fair processing (Article 6)
 - Liability of the Data Controller (Article 23)
 - System for effective control of respect for national law by national data protection authorities (Article 28)

