



## **Federal Commissioner for Data Protection and Freedom of Information**

### **Change of Office: Farewell Celebration and Inauguration**

**Bonn, 4 February 2014**

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#### **Greeting remarks**

*Peter Hustinx*

*European Data Protection Supervisor*

Dear Mr Minister,

Ladies and gentlemen,

It is a great pleasure for me to be here today, and to be able to say a few words of thanks to my friend and colleague Peter Schaar, and to welcome Mrs Andrea Vosshoff in her role as the new Federal Commissioner for Data Protection and Freedom of Information, and to do this both on behalf of myself and the EU data protection community as a whole.

Let me say first that I met Peter Schaar for the first time, at a similar event in Bonn, ten years ago, which I attended as Dutch commissioner, just before entering my office as European Data Protection Supervisor, and where I had been asked to say a few words of thanks to the outgoing Federal Commissioner, Mr Joachim Jakob, and to welcome Peter Schaar as the new Federal Commissioner. This is an example of how history can play with some of us!

Not long after that - I believe only a month later - we both attended the 44th meeting of the Article 29 Data Protection Working Party in Brussels. On that occasion, I was among those who strongly suggested that the new Federal Commissioner should also accept to be elected as chairman of the Working Party, which indeed happened on the second day of that meeting in February 2004.

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This was of course not an easy start, probably neither in Bonn, nor in Brussels, but it worked well, in any case from our perspective, and this is no doubt also thanks to the impressive energy and dedication that Peter Schaar brought to his work, both as Federal Commissioner and as chairman of the Article 29 Working Party.

I do not disclose any major secret, if I mention that the Working Party, right after electing its new chairman, decided to have a strategic discussion on priorities at its next meeting. And so it happened that one of the first documents signed by the chairman was a work programme for 2004, adopted on 17 March 2004 (WP 92).

In fact, one of the last documents signed by him was the multi-annual work programme for 2008-2009, adopted on 18 February 2008 (WP 146). If one compares these two documents, it is abundantly clear that the Working Party has developed enormously during his four years, both in strategic vision and in effectiveness. During those years, the group also increased in size, due to the large number of new member states.

The last work programme mentioned three major challenges, notably: 1) how to improve the impact of the Data Protection Directive 95/46/EC and the role of the Working Party; 2) how to deal with the impact of the new information technologies, and 3) how to deal with issues of the globalising environment: international transfer of data, the need for more global privacy and jurisdiction.

These issues have indeed framed the activities of the Working Party, not only in 2008-2009, but also in the following years. In fact, there is a straight line between them and the current thorough reform of the EU legal framework for data protection. Peter Schaar has played a key role in preparing and guiding the Working Party into this direction.

Let me also mention that this happened in a period where the impact of the events on 9/11 was still quite present, and where transatlantic relations gradually became more productive. Peter Schaar has worked hard to make that happen, as chairman of the Article 29 Working Party and as Federal Commissioner, in many visits to Washington DC and other capitals.

For all these reasons, he fully deserves our praise and warm thanks, and I personally look forward to further contacts with him, either at the European Academy in Berlin or otherwise!

My words to Mrs Andrea Vosshoff are first of all aimed to make her feel welcome in the EU data protection community and to invite her to fully engage with it.

There will be a meeting of the Article 29 Working Party at the end of February, but let me assure you: at this stage, there is no reason to think that you will be confronted with similar requests as Peter Schaar at his first visit to Brussels. So please take your time to get used and to discover the realities of European cooperation.

More on substance, let me say that 'data protection' and 'freedom of information' are both fundamental rights, explicitly recognised in the EU Charter of fundamental rights, and that both must be delivered, in an effective and more comprehensive way, to all people in Europe.

I do not belong to those who believe that these concepts are opposed to each other, but they both require a fair balance being struck between sometimes opposing interests. It is the role of data protection or information commissioners to help ensure that balance, and this is why they must be completely independent and free from any external influence. In this context, let me just make a few short remarks.

First, this event is perhaps the best moment to highlight that neither 'data protection' nor 'freedom of information' is bound to a particular colour: they are not green or red, not blue or yellow, not white or black - they are instead universal needs of every society and fundamental rights of every human being.

Secondly, we are at a stage in history where the increasing impact of technology requires that our current legal safeguards for data protection are made stronger, more effective in practice, more consistent across the entire EU, and with the widest possible scope, including all those active in Europe, either in the private or in the public sector, regardless from where they operate, either in Europe or elsewhere.

Thirdly and lastly, data protection commissioners play a crucially important role as guardians of data protection. Making them more independent, as well as stronger and more effective in practice is an essential condition for success, and I would like to emphasize that all this will be delivered by the General Data Protection Regulation which is currently being discussed in the EU legislature.

I have recently called on the Federal Government to take the lead in that European debate in order to ensure not only a timely outcome, but also a result of sufficient scope and substance, and I would like to repeat that invitation here today.

Finally to Mrs Vosshoff, this is a fascinating moment to become a member of the EU data protection community, and I wish you all the best in finding and further developing your own role in that community in the coming years.

Thanks for your attention!