



The European Data Protection Supervisor



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European Data Protection
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A growing number of the European Union's activities depend on the lawful use of personal data. Data protection is therefore an important requirement for their success.

PROTECTION OF PERSONAL DATA

'Protection of personal data' is generally understood to mean the protection of the fundamental rights and freedoms of natural persons, and in particular their right to privacy with respect to the processing of personal data.

The protection of personal data in the European Union is enshrined in:

- Article 6 of the EU Treaty
- Article 286 of the EC Treaty
- Article 8 of the Charter of Fundamental Rights of the EU
- Directive 95/46/EC
- Directive 2002/58/EC

These principles have been specified for the European Union institutions and bodies in Regulation (EC) No 45/2001.

THE EUROPEAN DATA PROTECTION SUPERVISOR

Establishment of a European supervisory authority

- Article 286 of the EC Treaty provides for the establishment of an independent supervisory body responsible for monitoring the application of Community acts relating to the protection of personal data in the Community institutions and bodies.
- The European Parliament and the Council adopted Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.
- The regulation establishes an independent supervisory authority, the European Supervisor, responsible for monitoring the processing of personal data by the Community institutions and bodies.
- In addition, each institution has a Data Protection Officer who cooperates with the European Supervisor and informs him in particular of processing operations involving sensitive data, such as health-related data.
- The regulations and general conditions governing the performance of the European Supervisor are established in Decision No 1247/2002/EC of 1 July 2002.

The duties of the European Supervisor



Supervision

- Monitoring data processing in the European institutions and bodies in cooperation with the Data Protection Officers present in each Community institution or body. In this context, the European Supervisor hears and investigates complaints and conducts inquiries either on his own initiative or on the basis of a complaint. He adopts the necessary measures and informs the data subjects of the outcome of his work.
- Receiving notifications by Data Protection Officers of cases likely to present particular risks. The European Supervisor carries out a prior check on the processing of the data in question.



Advice

- The European Supervisor is responsible for advising all Community institutions and bodies, either on his own initiative or in response to a consultation, on all matters concerning the processing of personal data.
- The European Supervisor is consulted by the Commission when it adopts legislative proposals relating to the protection of personal data. He is also informed by the Community institutions and bodies of administrative measures involving the processing of personal data.



Cooperation

- The European Supervisor is a member of the Article 29 Working Party, established by Directive 95/46/EC and bringing together the national data protection authorities.
- At interinstitutional level, the European Supervisor cooperates with the Data Protection Officers.

- The European Supervisor also cooperates with the supervisory data protection bodies established under police and judicial cooperation in the European Union (Europol, Schengen, Eurojust, etc.)



Monitoring authority over Eurodac

The European Supervisor monitors data processing conducted by the central unit of the Eurodac system.

For more information:



www.edps.eu.int

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By decision of the European Parliament and the Council on 22 December 2003, Peter Hustinx was appointed European Data Protection Supervisor and Joaquín Bayo Delgado Assistant Supervisor for a period of five years.

Peter Hustinx has been President of the Netherlands national data protection authority (College bescherming persoonsgegevens) since 1 July 1991. From 1996 to 2000, he chaired the Article 29 Working Party, the body within which national data protection authorities cooperate on the implementation of Directive 95/46/EC.

Joaquín Bayo Delgado, who has been a judge since 1989, was elected dean of the Barcelona bench of judges in 1997 and re-elected in 2001. He has been a member of the Information Technology Committee of the Spanish Council of the Judiciary.

Peter Hustinx and Joaquín Bayo Delgado are supported by a multidisciplinary team of some 20 individuals.



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