



EUROPEAN DATA
PROTECTION SUPERVISOR



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SPEECHES AND PUBLICATIONS



NEW DATA PROTECTION OFFICERS

- HIGHLIGHTS -

> EDPS general survey shows that EU institutions and bodies have different levels of data protection compliance

On 30 January 2012, the European Data Protection Supervisor (EDPS) published the results of his general survey of compliance with the Data Protection Regulation. EU institutions and bodies process personal data both in their daily work and in their core business activities. In both cases they have to comply with data protection principles and obligations and respect the rights of the individuals involved. In this latest stock-taking exercise, the EDPS has analysed the performance of all **58 EU institutions and bodies** in certain key areas.





The report emphasises the progress made by institutions and bodies in implementing the Regulation, but also highlights the shortcomings. Institutions and bodies were divided into four groups to allow meaningful comparison between peers. Benchmarks were established on the basis of the results achieved in each group, indicating the threshold that an institution or body should reasonably meet. Within these peer groups, institutions and bodies varied in their scores for data protection compliance and some of them clearly failed to meet reasonable expectations.

“ I am concerned that not all EU institutions and bodies are performing as well as they should. Implementation of data protection principles is not only a matter of time and resources, but also of organisational will. Ensuring compliance is a process that requires the commitment and support of the hierarchy in all institutions and bodies. ” Peter Hustinx, EDPS

The results of this survey will be taken into account by the EDPS in planning guidance to institutions and bodies, enforcement actions and other measures to promote accountability. In this respect, in addition to EDPS inspections, a number of targeted visits have been planned on the basis of the outcome of this exercise. Such visits typically lead to an agreed roadmap of follow up activities in order to boost compliance.

In 2012, the EDPS intends to visit the European Aviation Safety Agency (EASA), the European Centre for Disease Prevention and Control (ECDC), the European Training Foundation (ETF), the European Research Council Executive Agency (ERCEA) and the Research Executive Agency (REA).

☞ EDPS report ([pdf](#))

> EDPS welcomes a huge step forward for data protection in Europe, but regrets inadequate rules for the police and justice area

On 25 January 2012, the Commission published a package for reforming the data protection rules in Europe. The Commission presented two legislative proposals: a general Regulation on data protection and a specific Directive for the area of police and justice.

“ The proposal for the general rules on data protection is ambitious and constitutes a huge step forward for data protection in Europe. Although there is certainly room for further improvement, we generally support the solutions proposed by the Commission. This proposal is an excellent starting point for the adoption of European rules on data protection, robust enough to face the information technology-driven challenges before us. ” Peter Hustinx, EDPS

The EDPS supports the main lines of the general Regulation, particularly because:

- by proposing a regulation, EU citizens in all Members States can benefit from the same high level of data protection, including stronger data subjects' rights;
- by introducing compulsory mechanisms (such as impact assessments, data protection officers and documentation on processing), data controllers in the private and public sectors are made more accountable for what they do;
- the independence and enforcement powers of national data protection authorities are reinforced;
- at the same time, the administrative burden will be reduced, and



- the consistent implementation of the rules within the EU will liberate companies from having to deal with diverging national legislative regimes and authorities.

However, the EDPS strongly regrets the inadequate content of the specific Directive on data protection in the area of police and justice. Peter Hustinx, EDPS: 'The Commission has not lived up to its promises to ensure a robust system for police and justice. These are areas where the use of personal information inevitably has an enormous impact on the lives of private individuals. It is difficult to understand why the Commission has deviated from what it intended to do, namely proposing a comprehensive legislative framework.'



The EDPS firmly supports one specific improvement: that domestic processing is covered by the proposed Directive. However, this safeguard only has added value if the Directive substantially increases the level of data protection in this area, which the Commission itself has criticised as too low. With the current proposal, this is absolutely not the case. The EDPS regrets in particular that:

- the Commission does not propose stricter rules for the transfer of personal data outside the EU;
- data protection authorities are not given mandatory powers to effectively control the processing of personal data in this area;
- police access to data processed in the private sector is not regulated.

The EDPS will analyse the two proposals in detail and will present a detailed formal opinion to the EU legislator in the coming months.



CONSULTATION

> 2012 EDPS Inventory of legislative consultations: a challenging year ahead for data protection in the EU

On 12 January 2012, the EDPS set out his priorities for the year ahead in the area of legislative consultation by publishing his strategic planning document, the Inventory. In this document the EDPS identifies issues of strategic importance that will form the cornerstones of his consultation work for 2012, while not neglecting the importance of other legislative procedures where data protection is concerned.

“ 2012 will be a very demanding year. The EDPS will face the challenge of fulfilling an ever-increasing role in the legislative procedure while at the same time guarantee high-quality and well-appreciated contributions to it with limited resources. We have, therefore, developed a more strategic approach to legislative consultation, which is outlined in the Inventory. ”

Peter Hustinx, EDPS

The EDPS' central mission in the field of consultation is to give advice on three main areas: the **revision of the legal framework for data protection, technological developments and the Digital Agenda and further developing the Area of Freedom, Security and Justice**. In addition, the EDPS has identified financial sector reform as an area of strategic importance for 2012.



Overview of the issues of strategic importance for the EDPS:

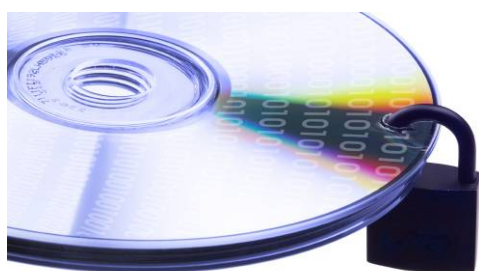
1. Towards a new legal framework for data protection
 - Revision of the EU data protection framework
2. Technological developments and the Digital Agenda, IP rights and Internet
 - Pan-European framework for electronic identification, authentication and signature
 - Internet monitoring (e.g. enforcement of IP rights, takedown procedures)
 - Cloud computing services
 - eHealth
3. Further developing the Area of Freedom, Security and Justice
 - EU-PNR
 - EU-TFTS
 - Border controls
 - Review of the Data Retention Directive
 - Negotiations on agreements with third countries on data protection
4. Financial sector reform
 - Regulation and supervision of financial markets and actors



In order to better fulfil his advisory role, the EDPS will consider publishing guidelines on important technical or societal phenomena that affect personal data protection (such as 'naming and shaming' practices) or recurring data protection aspects of EU legislative initiatives (such as the provisions concerning exchanges of information).

↪ EDPS inventory 2012 ([pdf](#)) and EDPS priorities for 2012 ([pdf](#))

> EDPS opinion on customs enforcement of intellectual property rights



On 12 October 2011, the EDPS adopted an opinion on a proposal for a Regulation of the European Parliament and the Council on customs enforcement of intellectual property rights, which will replace the current Regulation (EC) 1383/2003.

The Proposal sets out the conditions and procedures for action by customs authorities where goods suspected of having infringed an intellectual property right are or should have been subject to customs supervision within the territory of the European Union.

In this context, personal data about the right holder and other data subjects (consignor, consignee and holder of the goods can be natural or legal persons) are processed and upon request, transmitted by the national customs authority to the right holder. Such data would include data on suspected violations of IP rights by certain individuals or entities, which are considered sensitive data under data protection law.

Furthermore, the Commission will maintain COPIS, a central database, with all the right-holders' applications for action, which will also be used by customs authorities of the Member States as a platform to exchange all data on decisions, accompanying documents and notifications.



In his opinion, the EDPS welcomed the specific reference to the applicability of Directive 95/46/EC and Regulation (EC) 45/2001 to the data processing activities covered by the proposal. He however highlighted a number of points for which further specification must be included in the proposal:

- include the **right of information** of the data subject;
- specify the **time limit for the retention of personal data**;
- clarify the **legal basis for the establishment of the COPIS database**;
- consult the EDPS on the measures to be adopted by the Commission on its implementing powers.

↪ EDPS opinion ([pdf](#))

> EDPS opinion on the European Account Preservation Order



The Commission has proposed rules establishing a European Account Preservation Order. This order enables a **creditor to prevent the withdrawal or transfer of funds** held by the debtor in a bank account within the EU. To obtain such an order and to have it executed requires the processing of personal data about the claimant as well as the debtor.

In an opinion of 13 October 2011, the EDPS expressed his satisfaction with the efforts taken by the Commission to address the different data protection aspects of the proposed instrument. In particular, the EDPS highlights the attention given to **the principle of necessity**, which requires that only data which is actually necessary for the purpose of the preservation order is used.

However, the EDPS indicated that further **improvements and clarifications were needed**. These relate to (i) the possibility of the person requesting an order to ask for the removal of his address details from the information provided to the defendant (ii) to the deletion of some data fields not considered necessary for the preservation order and (iii) clarification that the bank may only transmit data by electronic means of communication if these are adequately secure, in line with the requirements of the data protection Directive.

↪ EDPS opinion ([pdf](#))

> EDPS opinion on the legislative package on the victims of crime

The EDPS opinion on the legislative package on the victims of crime, including a directive on the protection of the victims of crime and a regulation on protection measures in civil matters, was published on 17 October 2011. The EDPS welcomes the policy objectives of the package and generally shares the approach of the Commission. Nevertheless, he found that the protection of privacy and personal data of the victims in the proposed Directive could, in some instances, have been strengthened and clarified.





With regard to the directive on the protection of the victims of crime, the EDPS made some suggestions including:

- a general provision stating that Member States shall guarantee as far as possible the **protection of the private and family life of victims** and protect personal data of the victims from the first contact with official authorities, throughout any court proceedings and following such proceedings, including during criminal investigations;
- **specifying a list of minimum measures**, which judicial authorities may adopt in order to protect the privacy and photographic images of the victims and their family members;
- **a duty of confidentiality and non-disclosure** on the authorities dealing with the victims, unless required by law or authorised by the victim;
- a provision for **minimum rules on victims' right to information** and access to personal data.

☞ EDPS opinion ([pdf](#))

> EDPS opinion on the Community control system for ensuring compliance with the rules of the Common Fisheries Policy



This opinion, published on 28 October 2011, deals with some technical aspects relating to the Commission Regulation implementing the fisheries control system. The EDPS had already issued an opinion in March 2009 on a related proposal, but nonetheless was not consulted by the Commission before adopting the present regulation.

The activities of the fishing vessels are subject to **systematic and detailed monitoring** through advanced technological means. As long as the data being processed can be linked to identified or identifiable individuals (e.g. the master of the vessel, the owner of the vessel, or the members of the crew), this involves the processing of personal data. This is especially important in this policy where the processing operations potentially involve data concerning offences or suspected offences, which are likely to be linked to the personal data of the owner and/or the master of the vessel.

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The EDPS stressed, in particular, the **need to clarify the scope, purposes and limits for personal data processing**. He suggested establishing maximum retention periods and providing for specific safeguards where necessary.

☞ EDPS opinion ([pdf](#))

> EDPS opinion on the Internal Market Information System (IMI)



In his Opinion adopted on 22 November 2011, the EDPS provided a series of recommendations to **further strengthen the data protection framework for the Internal Market Information System (IMI)**, an online application that allows national, regional and local authorities in European Union Member States to communicate with their counterparts in other European countries. The EDPS supports a consistent approach to data protection in establishing an electronic system for the exchange of information, including relevant personal data. At the same



time, the EDPS cautions that the establishment of a single, centralised electronic system for multiple areas of administrative cooperation also creates risks.

“ We welcome the fact that the Commission has proposed a horizontal legal instrument for IMI in the form of a Parliament and Council Regulation, which aims to comprehensively highlight the most relevant data protection issues for IMI. The EDPS draws attention to two key challenges: the need to ensure consistency in the legal framework while respecting diversity and the need to balance flexibility and legal certainty. ” Giovanni Buttarelli, Assistant Supervisor

The EDPS acknowledges the need for flexibility to cover administrative cooperation in different policy areas but insists that this **flexibility** should be accompanied by **legal certainty**. Against this background, the EDPS recommends that the functionalities of IMI already envisaged should be further clarified and that the inclusion of new functionalities should require appropriate procedural safeguards, such as preparation of a data protection impact assessment and consultation of the EDPS and national data protection authorities.

☞ EDPS opinion ([pdf](#))

> EDPS opinion on the use and transfer of Passenger Name Records to the US Department of Homeland Security



On 9 December 2011, the EDPS adopted an opinion on the Commission proposal for an agreement between the EU and the US on the exchange of passenger data (Passenger Name Record - PNR). The agreement obliges airline companies to send data relating to all passengers flying between the EU and the US to the US Department of Homeland Security (DHS). The transfer currently takes place on the basis of a 2007 agreement, which is applied provisionally because the European Parliament did not to provide its consent until its data protection

concerns were met.

The EDPS welcomed the safeguards on data security and the overall improvements in comparison to the 2007 agreement. However, he criticised:

- that the **15-year retention period is excessive**: data should be deleted immediately after its analysis or after a maximum of 6 months.
- that the **purpose limitation is too broad**: PNR data should only be used to combat terrorism or a well defined list of trans-national serious crimes.
- that the **list of data to be transferred to the DHS is disproportionate** and contains too many open fields: it should be narrowed and exclude sensitive data.
- that there are **exceptions to the “push” method**: US authorities should not directly access the data (“pull” method)
- that there are **limits to the exercise of data subjects' rights**: every citizen should have right to effective judicial redress.
- the **rules on onward transfers**: the DHS should not transfer the data to other US authorities or third countries unless they guarantee an equivalent level of protection.



These observations are without prejudice to the **necessity and proportionality requirements** that any legitimate agreement providing for the massive transfer of passengers' personal data to third countries must fulfil.

“Neither the main concerns expressed by the EDPS and the EU national data protection authorities, nor the conditions required by the European Parliament to provide its consent have been met.” Peter Hustinx, EDPS.

↪ EDPS opinion ([pdf](#))

> EDPS opinion on the Common Agricultural Policy after 2013

On 14 December 2011, the EDPS issued an Opinion on the legislative package on the Common Agricultural Policy (CAP) after 2013, which consists of seven proposals: a regulation on direct payments; a regulation establishing a common organisation of the market in agricultural products (CMO); a regulation on rural development; a regulation on the financing, management and monitoring of the CAP ("the horizontal regulation"); a regulation on fixing certain aids and refunds related to the CMO; a regulation on the application of direct payments to farmers in respect of the year 2013; and a regulation on the regime of the single payment scheme and support to vine-growers.

The EDPS observed that many questions central to data protection were not included in the proposals, but will be regulated by implementing or delegated acts ("comitology"). The EDPS recommends that the essential elements of the processing be regulated in the proposals to ensure legal certainty. In particular:

- the **specific purpose** of every processing operation should be explicitly stated .
- the **categories of data to be processed** should be foreseen and specified as the scope of the processing is, in many cases, not clear;
- **access rights** should be clarified, in particular as regards access to data by the Commission;
- **maximum retention periods** should be laid down: in some instances only minimum retention periods are mentioned in the proposals;
- the **rights of data subjects** should be specified, especially as regards the right of information. While beneficiaries might be aware of their data being processed, third parties should also be adequately informed that their data could be used for control purposes;
- the scope and the purpose of **transfers to third countries** should also be specified and respect the requirements laid down by the Data Protection Directive and by Regulation (EC) No 45/2001.



Once these elements are specified in the main legislative proposals, the specific safeguards can be developed or implemented by "comitology", after consulting the EDPS. The EDPS also recommended that **security measures** be foreseen, especially as regards computerised databases and systems. In addition, as **data relating to offences or suspected offences** can be processed (for example, in relation to fraud), the processing may be subject to **prior checking** by the EDPS or by national data protection authorities.

↪ EDPS opinion ([pdf](#))



> EDPS comments on the Terrorist Finance Tracking System (TFTS)



On 25 October 2011, the EDPS issued comments on the Communication of the Commission of 13 July 2011: "A European terrorist finance tracking system: Available options". The EDPS has expressed strong doubts on the approach of the Commission, which seems to legitimise the setting up of a whole new TFTS scheme for the EU on the basis of the existing TFTP agreement with the United States.

The EDPS considers that this approach **does not respect the principles of necessity and**

proportionality. The main proportionality issue consists of the collection of data in bulk at the source of the processing. The assessment made by the Commission should focus on ways to minimise processing of personal data.

The EDPS strongly recommends that an **in-depth analysis of the EU context is conducted** in the Impact Assessment. He recalled the need for an **assessment of all existing instruments** in the area of freedom, security and justice before proposing new ones.

He also addressed the question of procedural guarantees:

- there are strong doubts as to whether any request related to an investigation on terrorism could be justified other than **under the control of the judiciary authorities**;
- clear conditions of collaboration of FIUs with the judiciary should be analysed and substantiated.

The EDPS also invites the Commission to **reflect upon the actual impact that an EU TFTS would have on the current implementation of the US TFTP**. If the filtering of data is performed within the EU under TFTS, according to criteria which should be particularly strict (in order to comply with the necessity and proportionality tests), the **data sent to the US would be restricted as a result**.

☞ EDPS comments ([pdf](#))

> EDPS comments on the proposal for a Directive on energy efficiency

On 27 October 2011, the EDPS issued comments on the Commission proposal for a Directive on energy efficiency. The roll-out of 'smart metering systems' in Europe by 2020, already foreseen in previous legislation and further regulated in the proposal, implies a massive collection of personal information such as fine-grained, half-hourly electricity readings of individual households, which, in turn, may lead to building detailed profiles of the everyday lives of ordinary people. This raises many concerns with regard to the rights to privacy and the protection of personal data.

The EDPS comments emphasise the synergies between consumer protection, data protection and environmental protection: by having access to their energy consumption data, energy users will be able to make better informed decisions about their energy use. Full and transparent access to energy users to their own consumption data (a key data protection principle) will, therefore, help:





- **to reduce the information imbalance** between energy suppliers and their retail customers (thus meeting key consumer protection objectives), and will
- also help **raise awareness of the possibility to save energy** and thus, will help change consumption patterns (while also meeting a key environmental objective).

The EDPS also notes that further action at European level may be necessary in future to provide further guidance on, or to further regulate, the data protection issues related to smart metering or smart grids.

↪ EDPS comments ([pdf](#))

> EDPS comments on certain restrictive measures with regard to Afghanistan, Syria and Burma/Myanmar



On 9 December 2011, the EDPS sent a letter to the European Commission, the European Parliament, the High Representative of the European Union for Foreign Affairs and Security Policy and the Council, as a response to the Commission and High Representative consultation on various legislative proposals concerning restrictive measures with regard to Syria, Afghanistan and Burma/Myanmar.

In the letter, the EDPS criticised the Regulations, which in the original text proposed by the European Commission and the

High Representative, included important references to data protection rules, but were then significantly weakened by the Council.

“ (...) *it seems that there has been an almost automatic deletion by the Council of those parts of the proposals of the Commission and the High Representative which address data protection under the current framework on restrictive measures, despite the fact that the need to improve the procedure and the safeguards available to listed individuals has been confirmed by the General Court in the "Kadi II" case.* **”** Peter Hustinx, EDPS

The EDPS strongly reiterated the recommendation to the European Commission, the High Representative of the Union for Foreign Affairs and Security Policy and to the Council to abandon the current piecemeal approach with specific data protection rules for each country or organisation and to develop a general and consistent data protection framework for restrictive measures, ensuring respect of fundamental rights and in particular, of the fundamental right to the protection of personal data.

↪ EDPS comments ([pdf](#))

> EDPS comments on the implementation of the harmonised EU-wide in-vehicle emergency call (eCall)

On 12 December 2011, the EDPS issued formal comments in relation to the intention of the Commission to establish a European regulatory framework on eCall. One of the major components will be a proposal for a Regulation by the end of 2012, providing for the mandatory introduction of an in-vehicle part of the eCall service in new, approved vehicles in Europe.



The EDPS particularly welcomes a harmonised European approach to eCall, which should contribute to setting consistent data protection standards for its deployment and use. However the EDPS underlines that the choice of a **mandatory introduction of eCall will have to be properly justified** in terms of data protection.

Furthermore, **appropriate guarantees** will have to be set forth in the Regulation which take into account data protection principles, including clarifying the responsibilities of the different operators and adopting rules for the processing of eCall data by all actors in the eCall chain. Given the data protection implications of the envisaged Regulation, the EDPS and the Article 29 Working Party should be duly consulted on the proposal from the Commission on a Regulation on eCall.



↪ EDPS comments ([pdf](#))

> Opinion on alternative and online dispute resolution for consumer disputes

On 12 January 2012, the EDPS adopted an Opinion on the Commission proposals for a Directive on Alternative Dispute Resolution (ADR) for consumer disputes and a Regulation on Online Dispute Resolution (ODR) for consumer disputes. ADR schemes provide an alternative means of solving disputes which is usually cheaper and faster than bringing a case to court. The ADR Proposal aims to ensure that these entities are in place in all EU Member States to solve any cross-border consumer



dispute arising from the sale of goods or the provision of services in the EU. The ODR Proposal establishes an online platform that consumers and traders will be able to use to transmit complaints on cross-border online transactions to the competent national ADR entity.

The EDPS supports the aim of the proposals, which incorporate previous EDPS comments and welcomes the fact that data protection principles have been taken into account. He also made the following recommendations:

- As personal data on disputes will be controlled by different actors (the national ADR entities, ODR "facilitators" (at least two experts in every Member State) and the Commission, it should be specified (i) to whom data subjects should address their requests of access, rectification, blocking and erasure and (ii) which controller is accountable in case of specific breaches of the data protection legislation (for example, security breaches).
- Data subjects should be informed accordingly.
- The limitation of access rights should be clarified.

The EDPS also noted that it is possible that personal data on suspected infringements and also health data (in disputes arising from the sale of goods or provision of services related to health) will be processed. A prior check may, therefore, be needed by the EDPS and national data protection authorities. Finally, the EDPS reminded that he should be consulted before the adoption of delegated and implementing acts ("comitology") relating to the processing of personal data.

↪ EDPS opinion ([pdf](#))



SUPERVISION

> News on EDPS prior checking of personal data processing

Processing of personal data by the EU administration that is likely to result in specific risks for the people concerned is subject to a prior check by the EDPS. This procedure serves to establish whether the processing is in compliance with the Data Protection Regulation (EC) No 45/2001, which lays down the data protection obligations of Community institutions and bodies.

>> Prior check on Mutual Assistance Broker, Virtual Operational Cooperation Unit and Customs Information System



The EDPS prior-checked several IT systems facilitating customs operations which are hosted by OLAF. An Opinion, which was issued on 17 October 2011, included numerous recommendations for improving the compliance of these systems. For instance, the EDPS recommended improving the privacy notices of two of the systems as well as reconsidering retention periods and the inclusion of certain sensitive data fields.

The first system checked was the **Mutual Assistance Broker (MAB)**, a platform for exchanging information on suspicious activities between customs authorities. The second, the **Virtual Operational Cooperation Unit (VOCU)**, is a tool for coordinating joint customs operation. The third system, the **Customs Information System (CIS)**, is an information system on customs activities, including information on seizures. These all aim to enhance cooperation between customs authorities in the Member States, the European Commission and in some cases, third countries and international organisations. To this end, they allow the exchange of information on persons, companies and goods under suspicion of infringing customs and agricultural legislation, in order to request connected authorities to take certain actions regarding them (e.g. specific checks, discreet surveillance). The systems involve the processing of sensitive data (suspicion of criminal behaviour, health data).

For example, MAB can include information on whether suspects are drug addicts or have suicidal tendencies. The EDPS recommended OLAF to consider removing these items, as well as a free text field for "other warnings". Similarly, he asked OLAF to evaluate whether information on "physical characteristics", which might reveal sensitive information on health or racial or ethnic background was really needed in CIS. For all three systems, the EDPS urged that better information be provided to the persons concerned and highlighted shortcomings in the privacy notices. Finally, he urged the establishment of clearer rules on retention of data, including issuing guidance on when the retention period for cases in CIS should be extended and justifying the retention period for VOCU.

As the three systems are closely related and use the same technical platform provided by OLAF, the EDPS considered it appropriate to issue a joint Opinion to address the three systems.

🔍 EDPS opinion ([pdf](#))



>> Prior-check opinion on the policy "Return to Work" - European Agency for Safety and Health at Work

Under the "Return to Work" policy of the European Agency for Safety and Health at Work (EU-OSHA), the Head of Unit or the Human Resources Section (HR) is responsible for coordinating actions in the context of a "Return to Work Plan" between staff members, their general practitioner, occupational health, HR and any other stakeholders (e.g. union and staff representatives). He or she is thus central in taking coordinating measures such as regular contacts with sick staff members, referrals for medical assessment and to individual-level therapies such as counselling, psychotherapy and cognitive-behavioural therapy and the examination of the staff member's job and medical assessments, which can result in redeployment or an adjustment of working time, responsibilities and tasks.



The procedure is a cause for concern and was addressed in the EDPS Opinion of 24 October 2011. How does EU-OSHA intend to ensure that (i) any consent of a data subject is informed and freely given and (ii) only adequate, relevant - not excessive - data is collected, processed and transferred? In addition it should be noted that whilst the stated purpose of the processing clearly refers to establishing a fitness to work in the work environment, from an occupational and preventive medicine perspective only medical specialists are able to certify these aspects.

Some elements of the processing operation thus breach the principle of necessity and proportionality and violate the data quality principles of adequacy, relevance and proportionality as well as accuracy. Therefore, until all recommendations contained in his Opinion have been implemented, the EDPS has imposed a temporary ban on the processing."

↪ EDPS opinion ([pdf](#))

>> EDPS prior check opinion on the interventions of the Chambre d'écoute in the Framework of the Reorganisation of OLAF's Organigram



With a view to managing and facilitating internal mobility in the framework of an OLAF reorganisation, OLAF decided to set up a panel composed of three members (the 'Chambre d'écoute'), whose aim is to take note of the wishes of OLAF staff with a view to identifying possible redeployment within the office and submit a related opinion to the Director General.

Even though the opinion of the Chambre d'écoute is limited to the identification of the unit or units recommended for the official concerned, excluding any related comment or remark, the EDPS nonetheless considered that the processing was subject to a prior check by the EDPS as it involved an evaluation of personal aspects relating to data subjects, including their ability, efficiency and conduct.

In his Opinion of 16 December 2011, the EDPS recommended that data subjects are ensured full access to their data. This includes not only the data submitted by them (such as their CV) but also any existing evaluation results regarding the different stages of the procedure, unless a refusal is necessary to protect the rights and freedoms of others. He also recommended reducing the time limit for blocking and erasure and to put in place the necessary technical measures to ensure access to these data only to authorised users.

↪ EDPS opinion ([pdf](#))



EVENTS

> 33rd International Conference of Data Protection and Privacy Commissioners (Mexico City, 2-3 November 2011)



The 33rd Annual Conference of Data Protection and Privacy Commissioners took place on 1-3 November 2011, in Mexico City and was entitled 'Privacy: The Global Age'. The aim of the conference was to explore ways for building the relationships and tools necessary to protect the data of individuals beyond national borders.

There was also a pre-conference on 31 October in Mexico City entitled 'Privacy as Freedom', followed by two events on 1 November hosted by the Organisation for Economic Co-operation and Development and the Information and Privacy Commissioner of Ontario, Canada.

The conference was an opportunity for data protection stakeholders in Europe to meet their peers from Canada, the United States, Latin America, Australia, New Zealand, China, Japan to name just a few.

The closing session adopted the so-called Mexico Declaration. This declaration urges selected stakeholders to effectively cooperate in order to confront new challenges, one being how to effectively enforce data protection in a world of 'big data'. The list of distinguished speakers included Peter Hustinx, EDPS, and Giovanni Buttarelli, Assistant Supervisor, who both moderated sessions at the conference.

[More information](#)

> European Data Protection Day - 6th edition, 28 January 2012

On 28 January 1981, the Council of Europe adopted Convention 108, the first legally binding international instrument related to data protection. To mark this date, the European institutions and bodies and the Member States of the Council of Europe celebrated European Data Protection Day for the 6th time, on 28 January 2012.

The event gave the EDPS and Data Protection Officers an opportunity to raise awareness among EU staff and other interested persons of their rights and obligations regarding data protection. These rights and obligations are set out in the EU Data Protection Regulation, the implementation of which is supervised by the EDPS.

To mark the event, a [video message](#) from Peter Hustinx, EDPS, and Giovanni Buttarelli, Assistant Supervisor was circulated to EU staff members and made available on the video page of the website. The video focused on privacy and data protection as fundamental rights and highlighted the everyday processing of personal data and the associated risks.





The EDPS also participated in the 5th International Conference on "[Computers, Privacy & Data Protection](#)" organised by academics from all over Europe. The review of the European Data Protection Framework, Copyright enforcement and privacy, Privacy and the transborder flow of personal data were just some of the panels in which the EDPS were involved.

The EDPS also took part in the celebration events for European Data Protection Day organised by the European Commission and the Council, as it does every year.



SPEECHES AND PUBLICATIONS

- "Beyond Binding Corporate Rules (BCR) and Safe Harbor, what are the rules for data transfers between Europe and emerging countries?", speech ([pdf](#)) delivered by Peter Hustinx at the 5th Annual Conference - Processing of Personal Data 2012, Paris (18 January 2012)
- "The Proposal for a Regulation on statistics on safety from crime: public interests and data protection issues", speaking points ([pdf](#)) of Giovanni Buttarelli at the Hearing at the Council Working Party on Statistics, Brussels (23 November 2011)
- "Transparency, trust and privacy. The need for a balanced and proactive approach", speaking notes ([pdf](#)) of Giovanni Buttarelli, Borderless eGovernment Services for Europeans, European Ministerial eGovernment Conference, Poznan (18 November 2011)
- Speech ([pdf](#)) of Peter Hustinx delivered at the "Hearing on the implementation of the EU Charter of Fundamental Rights, Session III: A citizens' agenda for fundamental rights", European Parliament, Committee on Civil Liberties, Justice and Home Affairs (LIBE), Brussels (10 November 2011)



NEW DATA PROTECTION OFFICERS

Each European institution and body has to appoint at least one person as a Data Protection Officer (DPO). These officers have the task of ensuring the application of the data protection obligations laid down in Regulation (EC) No 45/2001 in their institution or body in an independent manner.

> Recent appointments:

- Ingrid HVASS, European External Action Service
- Marc JEUNIAUX, ENIAC Joint Undertaking
- Nadine KOLLOCZEK, European Research Council Executive Agency
- Alain-Pierre LOUIS, European Defence Agency
- Ramunas LUNSKUS, European Institute for Gender Equality
- Jean-Baptiste TAUPIN, European Union Satellite Centre
- Rebecca TROTT, European Centre for Disease Prevention and Control

☞ See full list of [DPOs](#).



About this newsletter

This newsletter is issued by the European Data Protection Supervisor – an independent EU authority established in 2004 to:

- monitor the EU administration's processing of personal data;
- give advice on data protection legislation;
- co-operate with similar authorities to ensure consistent data protection.

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