



Data protection: keeping your privacy

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Focus

In this age of internet, smartphones and social media, it is very easy to share and search for personal information. Maybe too easy. Your loan application could be rejected because you live in the wrong neighbourhood, photos you publish online may come back to haunt you and supposedly free websites earn their keep by selling and using your personal data. The EU is now working to overhaul its data protection rules to help people stay in control of their private information.

Current EU legislation was drafted back in 1995 and needs updating to keep pace with technological change. The European Commission proposed in 2012 a new regulation on a single set of rules for all data collected online to ensure it is kept safe and also to provide businesses with a clear framework for processing them.

The European Parliament is now working on the proposed regulation as well as on a directive on data processing in law enforcement. The aim is to adopt the legislation before the next European elections in spring 2014.

Check out the sections in our feature to find out more about data protection and how the Parliament has fought to improve it and join the conversation on the subject on Twitter using the #EUdataP hashtag.

We must not water down our high standards for data protection - Dimitris Droutsas

Allegations of US surveillance of Europe have rocked relations between the two just when negotiations on a transatlantic free-trade agreement were due to begin. Parliament has launched an inquiry into the Prism scandal, but many MEPs agree it will be challenging to restore trust between the two partners. We discussed the issue with former Greek foreign minister Dimitris Droutsas, a member of the S&D group who is responsible for steering new cross border data processing rules through Parliament.

Are you satisfied by the US response or do you believe that the scandal could jeopardise the free-trade agreement with US?

Recent revelations were a real shock to Europe and European public opinion. But Europeans have the right not only to be protected, but also to be informed about what is happening. This cannot be expected from governments. That is why the role of European Parliament is even more important. We have asked to establish an enquiry and this is under way.

The free-trade agreement is very important and the EU is committed to this. On the other hand, we must not sacrifice citizens' fundamental rights.

Personally, I think the European public must be prepared to hear even more bad news. Depending on developments, we will have to decide whether there will be any consequences for the negotiations.

Media reports suggest that the US is not the only country involved in surveillance. How important it is to implement the rules in Europe and streamline legislation on this issue?

In my view, we have achieved a high standard of protection for personal data of our citizens. We should do whatever is possible to maintain that level or even increase these high standards. But we are not alone in the world and we have to deal not only with other countries, but with different ideologies and approaches towards data protection. I appeal to the Commission not to allow our high standards to be watered down.

Interview originally published on 10 July 2013

Parliament to launch in-depth inquiry into US surveillance programmes

Parliament's civil liberties committee will conduct an in-depth inquiry into the US surveillance programmes, including the bugging of EU premises and other spying allegations, and present its results by the end of this year, says a resolution passed by the full House on 4 July. Parliament's president and political group leaders formally confirmed the launch of the inquiry. MEPs also call for more protection for whistleblowers.

In the resolution, approved by 483 votes to 98 with 65 abstentions, MEPs express serious concern over Prism and other surveillance programmes, strongly condemn spying on EU representations and call on the US authorities to provide them with full information on these allegations without further delay.

Parliament also expresses grave concern about allegations that similar surveillance programmes are run by several EU member states, such as the UK, Sweden, The Netherlands and Germany. It urges them to examine whether those programmes are compatible with EU law and stresses that concerns have been expressed in other EU countries, such as Poland, in relation to the interception powers of secret services.

Civil liberties committee inquiry

The civil liberties committee inquiry will gather information and evidence from both US and EU sources and present its conclusions in a resolution by the end of the year. It will assess the impact of the alleged surveillance activities on EU citizens' right to privacy and data protection, freedom of expression, the presumption of innocence and the right to an effective remedy.

MEPs involved in the inquiry will table recommendations to prevent similar cases in future and step up IT security in the EU institutions, bodies and agencies.

Protecting whistleblowers

MEPs stress the need for "procedures allowing whistleblowers to unveil serious violations of fundamental rights" and the importance of providing such people with the protection they need, including at international level.

Suspend air passenger and bank data deals?

MEPs call on the European Commission, the Council of Ministers and EU countries to consider possible recourse to all levers at their disposal in negotiations with the US, including suspending the current air passenger and bank data deals (Passenger Name Record and Terrorist Finance Tracking Programme, respectively).

Trade talks should not undermine data protection

EU data protection standards should not be undermined as a result of the EU-US trade deal, warns the resolution, adding that it would be "unfortunate" if EU-US trade talks were to be affected by such allegations.

Stronger data safeguards urgently needed

Parliament calls on EU countries to speed up their work on the whole data protection package and urges the Commission and the US authorities to resume negotiations on the data protection agreement without delay. The final deal must ensure that EU citizens' access to the US judicial system is equal to that enjoyed by US citizens, it adds.

Press release originally published on 8 July 2013

A question of trust: MEPs call for answers from US over spying scandal

The US should come clean over allegations that it has been spying on the EU and its people, the majority of political groups said in a debate on Prism on 3 July. However, they disagreed on whether the revelations should affect negotiations for a transatlantic free trade agreement. Some MEPs stressed the need for facts before judging and pointed out that surveillance was necessary to safeguard people's security. There is also an urgent need to beef up EU data protection rules, most agreed.

Vytautas Leškevičius, Lithuania's vice-minister for foreign and European affairs, who spoke on behalf of the presidency, said: "It happens to be our most important strategic partner and ally, but that doesn't mean that we should remain silent." However, he added that he did not want to create the impression that intelligence gathering by a foreign nation could be easily addressed by EU legislation.

There needs to be confidence and clarity among partners which excludes spying, said **Viviane Reding**, Commission vice-president responsible for justice and fundamental rights. She urged Parliament to adopt the necessary data protection legislation as soon as possible.

Manfred Weber, a German member of the EPP group, said what the Americans had done was "unacceptable": "You don't spy on friends, and you don't spy en masse on the citizens of friendly states." However, he added that the EU and the US still have shared interests such as growth and jobs and that free trade agreements should not be put on hold.

Dimitrios Droutsas, a Greek member of the S&D group, called the allegations a wake-up call for the entire EP. He said it could also affect negotiations for the free-trade agreement with the US. "Colleagues may say that we put at risk thousands of new jobs in the EU, but we cannot sacrifice everything and we cannot back down on the rights of European citizens."

Sophie In 't Veld, a Dutch member of the ALDE group, said the EU has to guarantee Europeans that they are covered by European law, not American law. "It's clear that we can't sign an agreement with a partner that we don't fully trust," she added, referring to the free trade agreement being negotiated.

Jan Philipp Albrecht, a German member of the Green group who is responsible for steering an update of EU data protection rules through Parliament, said this was the moment to strengthen data protection rules in Europe. Regarding the trade agreement, he added: "First we need standards, then we cooperate."

Timothy Kirkhope, a British member of the ECR group, said the US or any member state should not be condemned on the basis of allegations that have yet to be corroborated. He stressed the need to establish facts first:

"Unfortunately, this House seems determined to conduct a witch hunt with the aim of securing headlines instead of acting responsibly," he said.

Cornelia Ernst, a German member of the GUE/NGL group, said putting millions of citizens, companies under surveillance "has nothing to do with terrorism but is organised crime at behest of nation states". She demanded that a committee of inquiry be established in Parliament and that no free trade agreement with the US concluded until the matter is clarified.

Niki Tzavela, a Greek member of the EFD group, stressed that surveillance was necessary to safeguard the security of people: "Security is the issue, and security is what governments have to take care of."

Hans-Peter Martin, a non-attached member from Austria, said: "The USA, regrettably, is a world policeman and has become a worldwide spy. Even friends are seen as targets."

Prism: MEPs hit out at US surveillance of people's personal data

MEPs criticised a secret American programme to gather user data and questioned the implications for privacy, data protection and EU-US security collaboration. Parliament held a debate on the Prism programme on Tuesday morning after the Guardian and the Washington Post revealed its existence over the weekend. Most speakers roundly condemned the programme and the US's assurances that only non-Americans were targeted, but insisted on the value for Europe of security cooperation with the US.

The Commission

Speaking on behalf of the Commission, Tonio Borg, the commissioner for health and consumer policy, said: "Programmes such as the so-called Prism and the laws on the basis of which such programmes are authorised potentially endanger the fundamental right to privacy and to data protection of EU citizens."

The Commission will raise the issue at the EU-US ministerial in Dublin on Friday, Mr Borg added, pointing out that in a democracy, law enforcement bodies should follow the rules.

The political groups

"My data belongs to me, that is the cornerstone of European thinking on data protection," said **Manfred Weber**, the German vice-chair of the EPP group. "It is completely unacceptable that the US have different rules [for] US citizens and citizens of other countries." He added: "The US approach is not our approach but we work together as partners".

On behalf of S&D, **Claude Moraes**, spoke of "a major breach of trust, non compliant with EU data protection legislation", yet cautioned that the "vital balance between security and the need to protect data, must be safeguarded". The British MEP added: "Trust has clearly been breached. We must ensure US public authorities processing EU citizens data, do so within our standards."

"We are failing the EU citizens and we should be ashamed of ourselves," **Sophie In 't Veld**, a Dutch member of the ALDE group. She criticised the Commission and the "doublespeak" of member states. "Obama said to his citizens: 'Don't worry, we are not spying on you as citizens, we are only spying on foreigners.' But this is us." She added: "What kind of special relationship is that?"

"This not only about data protection, this is about democracy and the rule of law, which cannot be in line with mass surveillance of citizens around the world," said **Jan Philipp Albrecht**. The German member of the Green group, who is responsible for steering new legislation on data protection through Parliament, said: "I would like to agree on standards with the US but we need legislative changes on the other side of the Atlantic too."

However, **Timothy Kirkhope**, a British member of the ECR group, commented: "Those companies already named and shamed have so far denied acting outside the law... yet here we are already pointing the finger, some of you already expressing anti American or anti commission rhetoric."

Jaroslav Paška, a Slovakian member of the EFD group, said: "We have to adopt the same sanctions against these companies which we apply to others who violate our laws. The paranoid behaviour of our American partners is regrettable."

Marie-Christine Vergiat, a French member of the GUE/NGL group, said the main concern is "that EU citizens do not enjoy the same rights as US citizens" and called for EU negotiators with the US to make sure the US authorities respect the privacy rights of Europeans.

Martin Ehrenhauser, an unattached member from Austria, said: "We should start an inquiry to see what legal implications this programme has and to see which European secret services profit from the data gathered. Does Europol profit? And we should finally invite American representatives into this House so they can testify on this. The path we are currently following leads straight away from democracy."

Facebook chat about data protection - "You (should) have the right to be informed"

How safe is your personal data online? German Green MEP Jan Philipp Albrecht is currently steering a proposal to beef up existing EU data protection rules through Parliament, which will put people back in control of their own information. He revealed more details on what's coming up during a chat with our Facebook fans on 22 May and even gave participants practical tips on how to protect themselves against abuse of their personal data.

Mr Albrecht initially had reservations about taking part in the chat. He explained: "I was at first very open to take part but then I realised that Facebook demands every participant to make available all his profile information including the list of friends. This is an example of how data protection is not meant to be."

In response to a complaint that current data protection rules are often too cryptic and complicated for ordinary people, Mr Albrecht responded: "We are planning to introduce simple standardised icons to explain what the data protection terms of a company mean. If you need more information you will be still allowed to read the written terms, which we are demanding to be simple, unambiguous and clear."

One Facebook fan asked if the drive towards more privacy could interfere with the need for more economic growth. Mr Albrecht said the updated rules would also benefit companies: "We will not overburden anyone but mainly follow the existing laws and better enforce them. This would be of huge benefit to EU companies now disadvantaged by companies coming from the outside on the EU market."

There was also a question on whether information revealed through social media was safe. Mr Albrecht said: "Of course everybody should be free to use all services. I myself use Facebook and LinkedIn for example. But you should have the right to be informed about the data processed on you and to delete or correct them."

He also gave out practical information on matters such as how to deal with online service providers that ask for too much information: "There are many service providers who demand personal data, which are not at all necessary for the service. Either you search for a service not demanding them or you should look if it is possible to not provide those data or provide pseudonyms."

Data protection: the key issues

The data protection package is an ambitious EU initiative that aims to ensure the right to privacy continues to be respected in our rapidly evolving world. It addresses a broad range of issues, including the right to have your information deleted, the need for explicit consent to use data and companies using an analysis of your data to predict your behaviour. Here is a brief overview. Click on the link for the background note on the right for even more details.

Right to be forgotten

The European Commission proposes that people should be able to ask to have their data deleted if they no longer want them to be processed. However, some MEPs have proposed to leave this out of the legislation as they see it as unenforceable.

Explicit consent

The Commission proposes that a company should only be able to process personal information after getting permission from the person in question. The permission could then be withdrawn at any time. German green MEP Jan Philipp Albrecht, who is in charge of steering the proposal through Parliament, wants the EP to clarify that the consent only applies for the original stated reason for collecting the data.

Profiling

Companies can use automated processing of people's data to analyse and predict their economic situation, location, health, preferences, their performance at work, reliability or behaviour. Mr Albrecht wants to allow this practice only in some clearly defined cases or if consent has been given.

Other issues

Under the Commission proposal companies and public authorities would be required to clearly explain their data protection policies and have a data protection officer if they have at least 250 employees. Mr Albrecht proposes to change this to companies that process data of at least 500 people a year. The Commission wants to introduce penalties for breaching these rules of up to €1 million or up to 2% of the company's global annual turnover.

There are also plans to update the directive on processing data to prevent, investigate, detect or prosecute criminal offences or enforce criminal penalties. The legislation deals with issues such as profiling, explicit consent, clear language and a data protection officer to data protection by law enforcement and judicial authorities in criminal matters

Next steps

The civil liberties committee, which is in charge of dealing with the legislative package, is expected to vote on the proposals in the autumn of 2013. MEPs will then start negotiations with the Council. The aim is to adopt the legislation before the next European elections in spring 2014.

Data protection day: is your private life safe?

Right to be forgotten

The European Commission proposes a reform of current legislation in order to have common rules for all member states. This would include the right to be forgotten: people would be able to have their personal data deleted if there is no legitimate ground for retaining it. The plans would also introduce fines for losing or divulging customer data. The two legislative proposals are currently being dealt with by Parliament.

Common standards for data protection

German Green MEP Jan-Philipp Albrecht, responsible for steering the regulation setting out a general EU framework for data protection through Parliament, said: "The right to be forgotten, the need for consent when using or transferring personal data, and sanctions in case of infringements of privacy rights are my three central demands for data protection standards for all EU citizens - no matter if inside or outside the EU."

Mr Albrecht welcomed the fact that the new data protection regulation would be valid everywhere in the EU. "This will help strengthen consumer rights, provide companies with legal certainty and give citizens more trust in companies."

Need for reform

Greek Social Democrat MEP Dimitrios Droutsas, who deals with the directive on protecting personal data processed for judicial purposes to avoid misuse of data by police and other law enforcement authorities, said there was a pressing need in Europe for a reform of data protection law due to changing social norms and technological advancements. "The Commission, the Parliament and yes, the Council, we all have to work diligently in order to ensure the highest level of protection for European citizens before the end of this legislature in 2014."

Risk of spying and fraud

A study published by the EP's internal policies directorate-general identified potential risks: "The challenge of privacy in cloud computing is underestimated, if not ignored. The main concern arising from the growing reliance on cloud computing is less the possible increase in cyber fraud or crime than the loss of control over individual identity and data."

This reports also points out that US law authorises the surveillance of cloud data of non-American citizens. US authorities would not be bound by the proposed reform of EU rules, but it is something that could be dealt with by opening EU-US negotiations, according to the report published at the end of last year.

Peter Hustinx, the European data protection supervisor, urged people to be careful: "Your personal information is valuable so keep it safe and be aware of your rights when you share it! You have the right to know what information is held about you on major industry and government databases. There could be implications for you if the information is not accurate and you are entitled to check the information that is held and used about you."

The importance of online security

Every day thousands of computers get infected by viruses or other types of malware and this is one reason why good data protection and cybersecurity laws are so important. Check out the [EuroparlTV](#) video report to learn more about the dangers cybercrime can pose to European businesses and people.

Protect your privacy: think twice before you give yourself away

The EP has been looking at the issue of personal data protection both in international relations (SWIFT, NPR) and at home, trying to strike the right balance between privacy and security.

On the occasion of the **European Day of Data Protection** on Saturday we have selected some interesting data from last year's Eurobarometer on the subject and asked German Socialist **Birgit Sippel**, a member of the Civil Liberties Committee, to comment, in view of Parliament's activities and a new Commission proposal for the reform of data protection rules.

In July, the EP welcomed the plan to come up with new rules to protect data and a new policy for the processing of personal data in police and judicial cooperation in criminal matters. The "right to be forgotten" is one of the points, on which the Commission and Parliament agree.

74% of Europeans see disclosing personal information as an increasing part of modern life - Sippel says the rules dating from 1995 no longer meets the needs of the digital age and must be adapted. "We need rules that guarantee a high level of protection, without unnecessarily restricting the right of freedom of opinion and freedom of information, or preventing the daily, often harmless, processing of personal data."

75% of EU citizens think they should be able to delete personal information stored on a website - the "right to be forgotten" must be guaranteed for all EU citizens, so that their data is deleted when the grounds for storing them disappears, says Sippel. It is particularly important that the person concerned always knows by whom, when, for what purpose and for what period data will be stored and how it will be processed. The right of EU citizens "to be forgotten" should also be secured outside the EU.

67% of Europeans are not aware of the existence of a national public authority responsible for protecting their rights regarding personal data - national data protection authorities are currently subject to very different rules and EU minimum standards are not implemented in the same way, she notes. The EP welcomes the Commission's proposal to make national data protection authorities stronger. "We need to raise awareness on how to handle personal data...only a harmonised European legal framework can offer EU citizens protection against misuse of their data."

The internet never forgets

It is very hard to make the things you say and the pictures you post online disappear. Watch this EuroparlTV report to learn more about the reasons behind the European Commission's proposal to establish "the right to be forgotten".

10 Tips

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