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Committee on Culture and Education

2011/2025(INI)

22.3.2011

AMENDMENTS

1 - 34

Draft opinion
Seán Kelly
(PE458.791v01-00)

A comprehensive approach on personal data protection in the European Union
(COM(2010)0609 – 2011/2025(INI))

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EN

United in diversity

EN

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Amendment 1
Emma McClarkin

Draft opinion
Paragraph 1

Draft opinion

1. Underlines the necessity of having a better and broader definition of personal data in online and digital technologies, in particular with regard to new forms of individual identification and tracking;

Amendment

1. Underlines the necessity of having a better and broader definition of personal data in online and digital technologies, in particular with regard to new forms of individual identification and tracking, *especially in terms of HTTP cookies and Directive 2008/58/EC*;

Or. en

Amendment 2
Marietje Schaake

Draft opinion
Paragraph 1

Draft opinion

1. Underlines the necessity of having a better and broader definition of personal data in online and digital technologies, in particular with regard to new forms of individual identification and tracking;

Amendment

1. Underlines the necessity of having a better and broader definition of personal data in online and digital technologies, in particular with regard to new forms of individual identification and tracking, *to ensure legal certainty in the digital single market*;

Or. en

Amendment 3
Nadja Hirsch

Draft opinion
Paragraph 1

Draft opinion

1. Underlines the necessity of having a better and broader definition of personal data in online and digital technologies, in particular with regard to new forms of individual identification and tracking;

Amendment

1. Underlines the necessity of having a better and broader definition of personal data in online and digital technologies, in particular with regard to new forms of individual identification and tracking, *so as to facilitate more effective data protection*;

Or. de

Amendment 4
Malika Benarab-Attou

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Stresses that the processing of sensitive data which mention racial or ethnic origin, political opinions, religious or philosophical convictions or membership of trade unions and data concerning people's health or sex lives must be strictly regulated, disclosure of such information being banned as a general rule;

Or. fr

Amendment 5
Maria Badia i Cutchet

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Reminds that the current exemption in Directive 95/46/EC (Article 9) from certain data protection rules for journalistic purposes is vital for a free and

independent press. Calls on the Commission to maintain this exemption as a minimum, and ideally strengthen it;

Or. en

Amendment 6
Malika Benarab-Attou

Draft opinion
Paragraph 2

Draft opinion

2. Stresses the importance of informing users of the competent data protection authority as well as **ways** to access, to rectify and to delete their personal data;

Amendment

2. Stresses the importance of informing users of ***the identity of*** the competent data protection authority as well as ***their right*** to access, to rectify and to delete their personal data ***and to exercise their ‘right to be forgotten’, i.e. to be able to stop their data from being processed and to have them deleted when they are no longer needed for legitimate purposes;***

Or. fr

Amendment 7
Maria Badia i Cutchet

Draft opinion
Paragraph 2

Draft opinion

2. Stresses the importance of informing users of the competent data protection authority as well as ways to access, to rectify and to delete their personal data;

Amendment

2. Stresses the importance of informing users of the competent data protection authority as well as ***easy*** ways to access, to rectify and to delete their personal data;

Or. en

Amendment 8
Georgios Papanikolaou

Draft opinion
Paragraph 3

Draft opinion

3. Underlines that adequate mechanisms to record users' consent or revocation of consent should be implemented;

Amendment

3. Underlines that adequate mechanisms to record users' consent or revocation of consent, ***which must be explicit and not presumed,*** should be implemented;

Or. el

Amendment 9
Marietje Schaake

Draft opinion
Paragraph 3

Draft opinion

3. Underlines that adequate mechanisms to record users' consent or revocation of consent should be implemented;

Amendment

3. Underlines that adequate mechanisms to record users' consent or revocation of consent should be implemented, ***whereas the data controller should have the burden of proof that adequate consent has been given by the data subject for all foreseen processing of personal data;***

Or. en

Amendment 10
Hannu Takkula

Draft opinion
Paragraph 3

Draft opinion

3. Underlines that adequate mechanisms to record users' consent or revocation of consent should be implemented;

Amendment

3. *Does not affect English version.*

Or. fi

Amendment 11
Malika Benarab-Attou

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3a. Stresses that personal data concerning the user's professional situation should not be published or forwarded to third parties without the prior permission of the person concerned;

Or. fr

Amendment 12
Marietje Schaake

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3a. Stresses that privacy statements in general are very difficult to read and comprehend for all users, therefore encourages an informative system by which the data subject can understand how his personal data will be processed once consent is given;

Or. en

Amendment 13
Marietje Schaake

Draft opinion
Paragraph 3 b (new)

Draft opinion

Amendment

3b. Stresses that transparency is necessary only for the data subject and not for third parties who have an interest in the personal data of data subjects, unless the issuing of personal data has been granted by a formal court ruling;

Or. en

**Amendment 14
Seán Kelly**

**Draft opinion
Paragraph 3 a (new)**

Draft opinion

Amendment

3a. Recalls that Internet users should have the right to be forgotten in the context of social networks and cloud computing; underlines in this respect that users should have the right to exercise control over which aspects of their personal data is publicly accessible;

Or. en

**Amendment 15
Santiago Fisas Aixela**

**Draft opinion
Paragraph 3 – a (new)**

Draft opinion

Amendment

3a. Stresses the need to identify the users of intellectual property content as a means of combating piracy subject to all legal safeguards; the authorities responsible may accordingly require online service providers to release data to

make such identification possible;

Or. es

Amendment 16
Emma McClarkin

Draft opinion
Paragraph 4

Draft opinion

4. Stresses the need for specific online data protection measures to protect children and minors; reiterates that media literacy should be an essential element of formal education in order to instruct children and minors on how to act responsibly in the online environment;

Amendment

4. Stresses the need for specific online data protection measures to protect children and minors; reiterates that media literacy should be an essential element of formal education in order to instruct children and minors on how to act responsibly ***and safely*** in the online environment;

Or. en

Amendment 17
Georgios Papanikolaou

Draft opinion
Paragraph 4

Draft opinion

4. Stresses the need for specific online data protection measures to protect children and minors; reiterates that media literacy should be an essential element of formal education in order to instruct children and minors on how to act responsibly in the online environment;

Amendment

4. Stresses the need for specific online data protection measures to protect children and minors; ***social networking providers must publish their security policies in clear and simple language and place this information in a prominent position so as to enable underage users to appreciate the dangers involved;*** reiterates that media literacy should be an essential element of formal education in order to instruct children and minors on how to act responsibly in the online environment;

Or. el

Amendment 18
Marietje Schaake

Draft opinion
Paragraph 4

Draft opinion

4. Stresses the need for specific online data protection measures to protect children and minors; reiterates that media literacy should be an essential element of formal education in order to instruct children and minors on how to act responsibly in the online environment;

Amendment

4. Stresses the need for specific online data protection measures to protect children and minors; reiterates that media **and ICT** literacy should be an essential element of formal education in order to instruct children and minors on how to act responsibly in the online environment;

Or. en

Amendment 19
Hannu Takkula

Draft opinion
Paragraph 4

Draft opinion

4. Stresses the need for specific online data protection measures to protect children and minors; reiterates that **media** literacy should be an essential element of formal education in order to instruct children and minors on how to act responsibly in the online environment;

Amendment

4. Stresses the need for specific online data protection measures to protect children and minors; reiterates that **digital** literacy should be an essential element of formal education in order to instruct children and minors on how to act responsibly in the online environment;

Or. fi

Amendment 20
Santiago Fisas Aixela

Draft opinion
Paragraph 4

Draft opinion

4. Stresses the need for specific online data protection measures to protect children and minors; reiterates that **media** literacy should be an essential element of **formal** education in order to instruct children and minors on how to act responsibly in the online environment;

Amendment

4. Stresses the need for specific online data protection measures to protect children and minors; reiterates that **digital** literacy should be an essential element of **regulated** education in order to instruct children and minors on how to act responsibly in the online environment;

Or. es

Amendment 21

Petra Kammerevert, Helga Trüpel

Draft opinion

Paragraph 4 a (new)

Draft opinion

Amendment

4a. Therefore calls on the Member States to include instruction in media use as an integral part of the curriculum in schools and other educational establishments, including infant schools, and to offer teachers and educators appropriate opportunities for training and further training;

Or. de

Amendment 22

Emma McClarkin

Draft opinion

Paragraph 5

Draft opinion

Amendment

5. Calls for data controllers to be obliged to adopt age verification mechanisms;

5. Calls for data controllers to be obliged to adopt age verification mechanisms, ***so long as this process does not threaten privacy or prevent legitimate consumers from***

accessing online services;

Or. en

Amendment 23
Marietje Schaake

Draft opinion
Paragraph 6

Draft opinion

6. Calls for the establishment of specific obligations and requirements when processing data relating to minors, and in particular children, including a prohibition on the collection of *sensitive* data relating to children; suggests that the collection of personal information from minors should not be allowed unless it is for necessary and lawful purposes;

Amendment

6. Calls for the establishment of specific obligations and requirements when processing data relating to minors, and in particular children, including a prohibition on the collection of data relating to children; suggests that the collection of personal information from minors should not be allowed unless it is for necessary and lawful purposes;

Or. en

Amendment 24
Hannu Takkula

Draft opinion
Paragraph 6

Draft opinion

6. Calls for the establishment of specific obligations and requirements when processing data relating to minors, and in particular children, including a prohibition on the collection of sensitive data relating to children; suggests that the collection of personal information from minors should not be allowed unless it is for *necessary and* lawful purposes;

Amendment

6. Calls for the establishment of specific obligations and requirements when processing data relating to minors, and in particular children, including a prohibition on the collection of sensitive data relating to children; suggests that the collection of personal information from minors should not be allowed unless it is for lawful purposes;

Or. fi

Amendment 25
Georgios Papanikolaou

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

6a. In collecting and processing data regarding school pupils or those attending other educational establishments, due care must be exercised and the data should only be shared after explicit consent has been given, while respecting the paramount interests of the children concerned;

Or. el

Amendment 26
Marietje Schaake

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

6a. Suggests a system whereby the level of data protection offered is immediately apparent to the data subject before consent is given, possibly in the form of a grading system, which is overseen by an independent authority;

Or. en

Amendment 27
Hella Ranner

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

6a. Stresses that the introduction of such legal provisions regarding data protection must not result in additional bureaucratic obstacles of a temporal or other nature for users or providers of the relevant services;

Or. de

Amendment 28
Georgios Papanikolaou

Draft opinion
Paragraph 7

Draft opinion

7. Encourages the Commission and the Member States to organise public awareness campaigns aimed at minors, and in particular children, highlighting the risks to their privacy in the online environment and the steps they can take to protect themselves;

Amendment

7. Encourages the Commission and the Member States to organise public awareness campaigns aimed at minors, and in particular children, highlighting the risks to their privacy in the online environment and the steps they can take to protect themselves; ***underage users should be given suitable guidance and efforts made to protect their anonymity if they use an on-line pseudonym. They should also be urged to enter the minimum amount of information on social networks and made fully aware of the dangers of releasing personal data such as photographs, telephone numbers or home addresses;***

Or. el

Amendment 29
Nadja Hirsch

Draft opinion
Paragraph 7

Draft opinion

7. Encourages the Commission and the Member States to organise public awareness campaigns aimed at minors, and in particular children, highlighting the risks to their privacy in the online environment and the steps they can take to protect themselves;

Amendment

7. Encourages the Commission and the Member States to organise public awareness campaigns aimed at minors, and in particular children **and parents**, highlighting the risks to their privacy in the online environment and the steps they can take to protect themselves;

Or. de

Amendment 30
Marietje Schaake

Draft opinion
Paragraph 7

Draft opinion

7. Encourages the Commission and the Member States to organise public awareness campaigns aimed at minors, and in particular children, highlighting the risks to their privacy in the online environment **and** the steps they can take to protect themselves;

Amendment

7. Encourages the Commission and the Member States to organise public awareness campaigns aimed at minors, and in particular children, highlighting the risks to their privacy in the online environment, the steps they can take to protect themselves **and the need to take their own responsibility**;

Or. en

Amendment 31
Hella Ranner

Draft opinion
Paragraph 7

Draft opinion

7. Encourages the Commission and the Member States to organise public awareness campaigns aimed at minors, and in particular children, highlighting the risks

Amendment

7. Encourages the Commission and the Member States to organise public awareness campaigns aimed at minors, and in particular children, highlighting the risks

to their privacy in the online environment and the steps they can take to protect themselves;

to their privacy in the online environment and the steps they can take to protect themselves; ***stresses that such information must be provided in a clear and comprehensible form; this requirement should apply in particular to the formulation of texts which provide the basis for specific consent to the use of data;***

Or. de

Amendment 32
Hannu Takkula

Draft opinion
Paragraph 7

Draft opinion

7. Encourages the Commission and the Member States to organise public awareness campaigns aimed at minors, and in particular children, highlighting the risks to their privacy in the online environment and the steps they can take to protect themselves;

Amendment

7. Encourages the Commission and the Member States to organise public awareness campaigns aimed at minors, and in particular children, ***and their carers*** highlighting the risks to their privacy in the online environment and the steps they can take to protect themselves;

Or. fi

Amendment 33
Emma McClarkin

Draft opinion
Paragraph 8

Draft opinion

8. Further recommends ***training and*** awareness campaigns targeted at data controllers and processors, informing them of their obligations.

Amendment

8. Further recommends awareness campaigns targeted at data controllers and processors, informing them of their obligations ***and responsibilities***.

Or. en

Amendment 34
Seán Kelly

Draft opinion
Paragraph 8 a (new)

Draft opinion

Amendment

8a. Stresses the importance to maintain, and where appropriate, to reinforce, the derogation for journalistic purposes in Article 9 of Directive 95/46/EC which is a necessary prerequisite for the exercise of journalistic activities in an increasingly complex technological media environment and for the fulfilment of the media's role in democratic societies.

Or. en