



EUROPEAN PARLIAMENT

2009 - 2014

Committee on the Internal Market and Consumer Protection

2011/2025(INI)

24.3.2011

AMENDMENTS

1 - 74

Draft opinion
Matteo Salvini
(PE458.792v01-00)

on a comprehensive approach on personal data protection in the European
Union
(2011/2025(INI))

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PE462.540v01-00

EN

United in diversity

EN

AM_Com_NonLegOpinion

Amendment 1
Evelyne Gebhardt

Draft opinion
Recital A a (new)

Draft opinion

Amendment

Aa. whereas social networking sites of all types are spreading rapidly on the Internet, and young people in particular divulge personal data on these,

Or. de

Amendment 2
Philippe Juvin

Draft opinion
Recital B

Draft opinion

Amendment

B. whereas rapid technological developments have brought new challenges in terms of personal data protection as a result of enhanced online activity, including e-commerce,

B. whereas, *though the core principles of the 1995/46/EC Directive remain valid, globalisation and* rapid technological developments have brought new challenges in terms of personal data protection as a result of enhanced online activity, including e-commerce, *e-health, e-government, the increasing use of social networks, the development of online behavioural advertising, or cloud computing,*

Or. en

Amendment 3
Kyriacos Triantaphyllides, Cornelis de Jong, Søren Bo Søndergaard

Draft opinion
Recital B

Draft opinion

B. whereas rapid technological developments have brought new challenges in terms of personal data protection as a result of enhanced online activity, including e-commerce,

Amendment

B. whereas rapid technological developments have brought new challenges in terms of personal data protection as a result of ***the increased reliance on complex information technology tools for data processing as well as*** enhanced online activity, including e-commerce,

Or. en

Amendment 4
Louis Grech

Draft opinion
Recital B

Draft opinion

B. whereas rapid technological developments have brought new challenges in terms of personal data protection as a result of enhanced online activity, including e-commerce,

Amendment

B. whereas rapid technological developments have brought new challenges in terms of personal data protection as a result of enhanced online activity, including e-commerce, ***social networking websites and cloud computing,***

Or. en

Amendment 5
Philippe Juvin

Draft opinion
Recital B a (new)

Draft opinion

Amendment

Ba. whereas the increasing exchange of individuals' personal data combined with new technological developments have led to a rise in personal data collection, storage and use, and raise the issue of determining the applicable law and

defining the responsibilities of all interested parties in terms of implementation of EU data protection legislation (e.g. a firm dealing with EU citizens' personal data, whose headquarters are located outside the EU territory, and which is subcontracting to firms also located outside the EU territory),

Or. en

Amendment 6
Evelyne Gebhardt

Draft opinion
Recital B a (new)

Draft opinion

Amendment

Ba. whereas loyalty cards (e.g. club cards, discount cards or advantage cards) are being used more and more frequently by companies and in commerce, and are, or can be, used for customer profiling,

Or. de

Amendment 7
Louis Grech

Draft opinion
Recital B a (new)

Draft opinion

Amendment

Ba. whereas citizens do not shop online with the same security as they do offline, due to fears of identity theft and lack of transparency as to how their personal information will be processed and used,

Or. en

Amendment 8
Louis Grech

Draft opinion
Recital B b (new)

Draft opinion

Amendment

Bb. whereas the revision of the Data Protection Directive 95/46/EC should comprise an overarching reform of the EU framework for data protection law, laying out more stringent rules with regards to the collection of data, notably by informing the individual why, by whom and for how long his or her data will be collected and used, this both within the online as well as the offline environment,

Or. en

Amendment 9
Evelyne Gebhardt

Draft opinion
Recital B b (new)

Draft opinion

Amendment

Bb. whereas the data collected via these loyalty cards are used for customer profiling; whereas a market trading in such data has been created,

Or. de

Amendment 10
Matteo Salvini

Draft opinion
Paragraph 1

Draft opinion

1. Calls for the data protection dimension of the internal market to be enhanced through **uniformisation** of Member States' legislation and increased legal certainty, with excessive restrictions and further organisational costs being avoided, and administrative burdens reduced, especially for SMEs;

Amendment

1. Calls for the data protection dimension of the internal market to be enhanced through **full harmonization** of Member States' legislation and increased legal certainty, with excessive restrictions and further organisational costs being avoided, and administrative burdens reduced, especially for SMEs;

Or. en

Amendment 11
Philippe Juvin

Draft opinion
Paragraph 1

Draft opinion

1. Calls for the data protection dimension of the internal market to be enhanced through **uniformisation** of Member States' legislation **and increased** legal certainty, **with excessive restrictions** and **further organisational** costs **being avoided**, and **administrative burdens reduced**, **especially** for **SMEs**;

Amendment

1. Calls for the data protection dimension of the internal market to be **clarified and** enhanced through **full harmonisation** of Member States' legislation **according to the highest data protection standards in order to increase** legal certainty, **reduce administrative burden** and costs, **avoid the risk of "forum shopping" between more or less stringent Member States' national legislation**, and **ensure a level playing field** for **all economic operators and data controllers** ;

Or. en

Amendment 12
Kyriacos Triantaphyllides, Cornelis de Jong, Søren Bo Søndergaard, Eva-Britt Svensson

Draft opinion
Paragraph 1

Draft opinion

1. Calls for the data protection dimension of the internal market to be enhanced through uniformisation of Member States' legislation and **increased legal certainty, with excessive restrictions and further organisational costs being avoided**, and administrative burdens **reduced**, especially for SMEs;

Amendment

1. Calls for the data protection dimension of the internal market to be enhanced **both online and offline** through **the** uniformisation of Member States' legislation, **especially as regards definitions, grounds for and lawfulness of data processing, data subject rights, international transfers and national data protection authorities, to ensure increased legal certainty and reduce excessive** administrative burdens, especially for SMEs;

Or. en

Amendment 13
Malcolm Harbour

Draft opinion
Paragraph 1

Draft opinion

1. Calls **for** the data protection **dimension of the internal market to be enhanced through uniformisation of Member States' legislation and** increased legal certainty, **with** excessive restrictions and **further organisational costs being avoided, and** administrative burdens **reduced**, especially for SMEs;

Amendment

1. Calls **on** the **Commission to propose harmonised legislation on** data protection **in the Single Market, by analogy to the telecom framework rules, in order to deliver** increased legal certainty **and to ensure consistent levels of privacy protection across the EU; considers that this will boost the digital single market, reduce the scope for** excessive restrictions and administrative burdens **as well as undue costs for businesses**, especially for **innovative** SMEs;

Or. en

Amendment 14
Christel Schaldemose

Draft opinion
Paragraph 1

Draft opinion

1. Calls for the data protection dimension of the internal market to be enhanced ***through uniformisation of Member States' legislation*** and increased legal certainty, ***with excessive restrictions and further organisational costs being avoided, and administrative burdens reduced, especially for SMEs;***

Amendment

1. Calls for the data protection dimension of the internal market to be enhanced and ***for increased legal certainty through the introduction of requirements that companies dealing with customer information must incorporate privacy-enhancing technologies into their internal IT systems, which will raise the level of security against the misuse of information whilst preserving the advantages for the company;***

Or. da

Amendment 15
Evelyne Gebhardt

Draft opinion
Paragraph 1

Draft opinion

1. Calls for the data protection dimension of the internal market to be enhanced through uniformisation of Member States' legislation and increased legal certainty, with excessive restrictions and further organisational costs being avoided, and administrative burdens reduced, especially for SMEs;

Amendment

1. Calls for the data protection dimension of the internal market to be enhanced through uniformisation of Member States' legislation ***to provide high-level protection*** and increased legal certainty, with excessive restrictions and further organisational costs being avoided, and administrative burdens reduced, especially for SMEs;

Or. de

Amendment 16
Jürgen Creutzmann

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Calls for a swift revision of the existing EU legislative framework on data protection, especially in view of the mounting threat to personal data posed by new forms of data processing, such as profiling or the unwanted transfer of data;

Or. de

Amendment 17
Evelyne Gebhardt

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Notes that data protection should play an ever greater role in the internal market;

Or. de

Amendment 18
Malcolm Harbour

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Calls in particular for the alignment of the data protection rules to the basic principles of the e-privacy Directive in all areas of data protection in order to avoid

a fragmented approach;

Or. en

Amendment 19
Louis Grech

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Believes that the implementation of EU data protection rules remains uneven and fragmented throughout the EU, consequently having an adverse effect on individuals' fundamental rights and freedoms with regards to data protection and privacy, legal security and clarity in contractual relations, the development of e-commerce and e-business, consumer trust in the system, cross border transactions and the realisation of a truly level playing field for businesses and SMEs within the Single Market;

Or. en

Amendment 20
Philippe Juvin

Draft opinion
Paragraph 2

Draft opinion

Amendment

2. Emphasises the need for a coherent **application** of data protection rules, taking into account the impact of new technologies on individuals' rights, while ensuring free circulation of personal data to facilitate the smooth functioning of the internal market;

2. Emphasises the need for a coherent, **comprehensive and effective enforcement** of data protection rules, taking into account the impact of new technologies on individuals' rights, while ensuring free circulation of personal data to facilitate the smooth functioning of the internal market;

Amendment 21
Jürgen Creutzmann

Draft opinion
Paragraph 2

Draft opinion

2. Emphasises the need for a coherent application of data protection rules, taking into account the impact of new technologies on individuals' rights, while ensuring free circulation of personal data *to facilitate the smooth functioning of the internal market*;

Amendment

2. Emphasises the need for a coherent application of data protection rules *to facilitate the smooth functioning of the internal market*, taking into account the impact of new technologies on individuals' rights, while ensuring free circulation of personal data *where this does not harm the legitimate interests of the persons concerned*;

Or. de

Amendment 22
Kyriacos Triantaphyllides, Cornelis de Jong, Søren Bo Søndergaard, Eva-Britt Svensson

Draft opinion
Paragraph 2

Draft opinion

2. Emphasises the need for a coherent application of data protection rules, taking into account the impact of new technologies on individuals' rights, while ensuring free circulation of personal data to facilitate the smooth functioning of the internal market;

Amendment

2. Emphasises the need for a coherent application of data protection rules, taking into account the impact of new technologies on individuals' rights, while ensuring free circulation of personal data to facilitate the smooth functioning of *both* the internal market *and the Internet and its characteristic openness and interconnectivity*;

Or. en

Amendment 23
Evelyne Gebhardt

Draft opinion
Paragraph 2

Draft opinion

2. Emphasises the need for a coherent application of data protection rules, taking into account the impact of new technologies on individuals' rights, ***while ensuring free circulation of personal data to facilitate the smooth functioning of the internal market,***

Amendment

2. Emphasises the need for a ***functioning internal market, with due regard to*** coherent application of data protection rules ***and*** taking into account the impact of new technologies on individuals' rights;

Or. de

Amendment 24
Matteo Salvini

Draft opinion
Paragraph 2

Draft opinion

2. Emphasises the need for a coherent application of data protection rules, taking into account the impact of new technologies on individuals' rights, while ensuring free circulation of personal data to facilitate the smooth functioning of the internal market;

Amendment

2. Emphasises the need for a coherent application of data protection rules, taking into account the impact of new technologies on individuals' rights, ***the transparency of procedures,*** while ensuring free circulation of personal data to facilitate the smooth functioning of the internal market;

Or. en

Amendment 25
Christel Schaldemose

Draft opinion
Paragraph 2

Draft opinion

2. Emphasises the need for a coherent application of data protection rules, taking into account the impact of new technologies on individuals' rights, while ensuring free circulation of personal data to facilitate the smooth functioning of the internal market;

Amendment

2. Emphasises the need for a coherent application of data protection rules, taking into account the impact of new technologies on individuals' rights, while ensuring free circulation of personal data to facilitate the smooth functioning of the internal market; ***calls for greater transparency in the form of more stringent requirements on informed consent and clearer contractual terms;***

Or. da

Amendment 26

Anna Maria Corazza Bildt

Draft opinion

Paragraph 2

Draft opinion

2. Emphasises the need for a coherent application of data protection rules, taking into account the impact of new technologies on individuals' rights, ***while ensuring free circulation of personal data to facilitate the smooth functioning of the internal market;***

Amendment

2. Emphasises the need for a coherent application of data protection rules, taking into account the impact of new technologies on individuals' rights;

Or. en

Amendment 27

Philippe Juvin

Draft opinion

Paragraph 2 a (new)

Draft opinion

2a. Insists on the need to facilitate the free flow of personal data by reducing

Amendment

*unnecessary administrative burdens,
especially for SMEs, while guaranteeing a
high degree of protection of personal
data;*

Or. en

Amendment 28
Jürgen Creutzmann

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

*2a. Considers that profiling should, in
principle, only be permitted where there is
a solid legal basis, or if the persons
concerned freely give their informed
consent which can be revoked at any time;*

Or. de

Amendment 29
Louis Grech

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

*2a. Is of the opinion that any personal
data and information circulated among
the different Points of Single Contact and
within the Internal Market Information
system (IMI) are solely processed, used
and collected for legitimate purposes and
that necessary safeguards against abuse
are put into place;*

Or. en

Amendment 30
Christel Schaldemose

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Highlights the importance of updating the directive in line with global technological developments;

Or. da

Amendment 31
Kyriacos Triantaphyllides, Cornelis de Jong, Søren Bo Søndergaard, Eva-Britt Svensson

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Underlines the importance for any future legislation to be technologically-neutral to ensure that data subjects' rights are always valid and enforceable regardless of the technology used for processing personal data; calls upon industry, research and development and innovation sectors to incorporate the principle of privacy by design and to promote PETs (Privacy Enhancing Technologies) in order to guarantee a high level of protection of personal data throughout the Single Market;

Or. en

Amendment 32
Kyriacos Triantaphyllides, Cornelis de Jong, Søren Bo Søndergaard

Draft opinion
Paragraph 2 b (new)

Draft opinion

Amendment

2b. Notes that the development and broader use of cloud computing raises new challenges in terms of privacy and protection of personal data; calls, therefore, for a clarification of the capacities of transparency on behalf of data controllers, data processors and hosts as to better allocate the corresponding legal responsibilities and so that the data subjects know where their data are stored, who has access to their data, who decides the use to which the personal data will be put, and what kind of back-up and recovery processes are in place;

Or. en

Amendment 33

Kyriacos Triantaphyllides, Cornelis de Jong, Søren Bo Søndergaard, Eva-Britt Svensson

Draft opinion

Paragraph 2 c (new)

Draft opinion

Amendment

2c. Calls on the Commission to clarify the rules on applicable law in the Data Protection Directive 95/46, especially in situations where companies operate in several Member States or have branches outside the European Union;

Or. en

Amendment 34

Christel Schaldemose

Draft opinion

Paragraph 2 b (new)

Draft opinion

Amendment

2b. Calls for companies to use ‘privacy by design’;

Or. da

Amendment 35
Philippe Juvin

Draft opinion
Paragraph 3

Draft opinion

3. Stresses the need for awareness-raising activities on data protection to ensure that ***the rules on consent are implemented in a uniform way***, especially in the online environment;

Amendment

3. Stresses the need for awareness-raising ***and educational*** activities on data protection to ensure that ***citizens are properly informed about their rights and obligations regarding the use of their personal data, the protection of their privacy, and the tools at their disposal to put an end to any situation undermining their privacy***, especially in the online sphere;

Or. en

Amendment 36
Jürgen Creutzmann

Draft opinion
Paragraph 3

Draft opinion

3. Stresses the need for awareness-raising activities on data protection to ensure that the rules on consent are implemented in a uniform way, especially in the online environment;

Amendment

3. Stresses the need for awareness-raising activities on data protection ***for service providers, as well as for citizens and consumers***, to ensure that the rules on consent are implemented in a uniform way, especially in the online environment;

Amendment 37

Kyriacos Triantaphyllides, Cornelis de Jong, Søren Bo Søndergaard

Draft opinion

Paragraph 3

Draft opinion

3. Stresses the need for awareness-raising activities on data protection to ensure **that the rules on consent are implemented in a uniform way, especially in the online environment;**

Amendment

3. Stresses the need for awareness-raising activities on data protection to ensure **every individual knows his or her rights in terms of personal data protection and understands the short and long term consequences of providing certain types of data as well as the conditions attached to providing such data, including the different modalities of consent, data portability and the right to be forgotten. Awareness raising about such information is not only relevant to online activity but also to employment relationships and intra or inter corporate transfers of personal employment data;**

Amendment 38

Louis Grech

Draft opinion

Paragraph 3

Draft opinion

3. Stresses the need for awareness-raising activities on data protection to ensure that the rules on consent are implemented in a uniform way, especially in the online environment;

Amendment

3. Stresses the need for awareness-raising activities **and targeted-communication strategies** on data protection to ensure that the rules on consent are implemented in a uniform way, especially in the online environment;

Amendment 39
Matteo Salvini

Draft opinion
Paragraph 3

Draft opinion

3. Stresses the need for awareness-raising activities on data protection to ensure that the rules on consent are implemented in a uniform way, especially in the online environment;

Amendment

3. Stresses the need for awareness-raising activities on data protection to ensure that the rules on consent are implemented in a uniform way, especially in the online environment; ***emphasises the need to communicate clearly to data subjects level of adequacy of data protection in third countries;***

Or. en

Amendment 40
Jürgen Creutzmann

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3a. Emphasises that economic activities should never be carried out without input from those concerned; the latter must also always be given sufficient information to exercise their right to decide for themselves;

Or. de

Amendment 41
Philippe Juvin

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3a. Calls on the Commission to clarify and harmonise rules on free and informed consent, especially in the online environment;

Or. en

**Amendment 42
Philippe Juvin**

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

Draft opinion

Amendment

3b. Calls on the Commission to clarify the rules related to applicable law in the field of personal data protection, as it has become increasingly difficult to determine interested parties' responsibilities given the globalisation of exchanges; underlines that it is necessary to ensure legal certainty for data controllers and avoid loopholes in the protection of personal data provided by Directive 95/46/EC;

Or. en

**Amendment 43
Philippe Juvin**

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

Draft opinion

Amendment

3c. Draws the Commission's attention to the highly strategic nature of the location of data centres, and to the potential impact of such location outside the EU

territory;

Or. en

Amendment 44
Evelyne Gebhardt

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3a. Stresses that the issue of data protection concerns both the rights of consumers and employees, as well as those of companies;

Or. de

Amendment 45
Evelyne Gebhardt

Draft opinion
Paragraph 3 b (new)

Draft opinion

Amendment

3b. Calls for the inclusion of high data protection standards for employees in order to curb inappropriate supervision of staff;

Or. de

Amendment 46
Matteo Salvini

Draft opinion
Paragraph 4

Draft opinion

4. Calls for a revision and simplification of the current personal data **breach** notification system with a view to making data processing by all data controllers less cumbersome and expensive;

Amendment

4. Calls for a revision and simplification of the current personal data **processing** notification system with a view to making data processing by all data controllers less cumbersome and expensive; **emphasises the importance of an uniform system for notification of violations.**

Or. en

Amendment 47
Philippe Juvin

Draft opinion
Paragraph 4

Draft opinion

4. Calls for a revision and simplification of the current personal data breach notification system with a view to making data processing by all data controllers less cumbersome and expensive;

Amendment

4. Calls for a revision and simplification of the current personal data breach notification system with a view to making data processing by all data controllers less cumbersome and expensive, **and to put an end to diverging national requirements in this field;**

Or. en

Amendment 48
Kyriacos Triantaphyllides, Cornelis de Jong, Søren Bo Søndergaard

Draft opinion
Paragraph 4

Draft opinion

4. Calls for **a revision and simplification** of the **current** personal data breach notification system **with a view to making data processing by all data controllers less cumbersome and expensive;**

Amendment

4. Calls for **an extension** of the personal data breach notification system **beyond the telecom sector to serious data breaches;**

Amendment 49
Malcolm Harbour

Draft opinion
Paragraph 4

Draft opinion

4. *Calls for a revision and simplification of the current personal data breach notification system with a view to making data processing by all data controllers less cumbersome and expensive;*

Amendment

4. *Welcomes the Commission's proposals for a data breach notification system in the e-privacy directive, which should furthermore be applied in a consistent manner in all areas where data protection is required while ensuring that data processing requirements do not place excessive burdens on data controllers;*

Amendment 50
Christel Schaldemose

Draft opinion
Paragraph 4

Draft opinion

4. Calls for a revision and simplification of the current personal data breach notification system with a view to making data processing by all data controllers less cumbersome and expensive;

Amendment

4. Calls for a revision and simplification of the current personal data breach notification system with a view to making data processing by all data controllers less cumbersome and expensive; *calls for companies to make one person in the company explicitly responsible for data control;*

Amendment 51
Evelyne Gebhardt

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Stresses that the right of persons to decide for themselves should be brought to the fore and that each individual has the right to be informed free of charge about data collected on him/her, as well as the right to have these deleted, especially for profiles compiled for commercial purposes;

Or. de

Amendment 52
Philippe Juvin

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4a. Insists on the need to promote the use of Privacy Enhancing Technologies and to implement the principle of Privacy by Design to ensure that privacy issues are included in future technological developments;

Or. en

Amendment 53
Philippe Juvin

Draft opinion
Paragraph 4 b (new)

Draft opinion

Amendment

4b. Calls on the Commission to propose a legislative framework for data protection issues related to cloud computing that would apply to all interested parties, including telecom operators and non telecom operators, while ensuring the development of cloud computing;

Or. en

**Amendment 54
Malcolm Harbour**

**Draft opinion
Paragraph 4 a (new)**

Draft opinion

Amendment

4a. Emphasises the importance, for the holders of personal data, to appoint a data protection controller with a clearly identified role; considers furthermore that the established practice of a data protection controller in all organisations that use personal data should be strengthened; considers that organisations operating in the Single Market should be able to appoint a single data protection controller for the EU with a single website in all official languages;

Or. en

**Amendment 55
Malcolm Harbour**

**Draft opinion
Paragraph 4 b (new)**

Draft opinion

Amendment

4b. Underlines that the procedures on how to access personal data must be clearly and immediately available to citizens in all Member States, supported by a network of contact points, and made available online; calls in particular for the simplification of enforcement provisions;

Or. en

Amendment 56

Kyriacos Triantaphyllides, Cornelis de Jong, Søren Bo Søndergaard

Draft opinion

Paragraph 5

Draft opinion

5. Calls on the Commission to examine the modalities for access, rectification and deletion of data, as well as recourse to Alternative Dispute Resolution in the internal market;

Amendment

5. Calls on the Commission to examine the modalities for access, rectification and deletion of data, as well as recourse to Alternative Dispute Resolution ***and judicial collective redress*** in the internal market;

Or. en

Amendment 57

Matteo Salvini

Draft opinion

Paragraph 5

Draft opinion

5. Calls on the Commission to examine the modalities for access, rectification and deletion of data, as well as recourse to Alternative Dispute Resolution in the internal market;

Amendment

5. Calls on the Commission to examine the modalities for access, rectification and deletion of data, as well as recourse to Alternative Dispute Resolution in the internal market; ***especially in the online***

environment; and, stresses the need for a proper infringement policy;

Or. en

Amendment 58
Christel Schaldemose

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5a. Calls for increased enforcement capacity for the national authorities, including vis-à-vis non-EU companies whose activities are targeted at EU consumers;

Or. da

Amendment 59
Malcolm Harbour

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5a. Calls on the Commission to examine, in consultation with CEN, the possibility of developing service standards for the management of personal data and for the development of related information management tools, with due regard to the principle of privacy by design; considers that such design standards would promote best practice in the development of data management systems and improve, in particular, the security features of database management and warehousing applications; stresses however that any proposals should be technology neutral and innovation friendly;

Amendment 60
Wim van de Camp

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5a Calls on the Commission to take a balanced approach to the revision of Directive 95/46/EC and avoid measures that might inadvertently have a negative impact on the legitimate activities of European businesses, which might be under threat without the possibility to use and process data;

Or. en

Amendment 61
Evelyne Gebhardt

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5a. Demands, especially in this context, that each individual must have given their prior consent before his/her personal data may be collected, evaluated, profiled or passed on; calls also for disclosure of the collected data profiles at the individual's request and for the deletion of these profiles, at the latest when requested by the individual;

Or. de

Amendment 62
Malcolm Harbour

Draft opinion
Paragraph 5 b (new)

Draft opinion

Amendment

5b. Calls on the Commission to review with CEN, European hardware storage standards with due regard to the principle of privacy by design, and to encourage the development of manufacturing standards allowing for the definitive deletion of data stored on hardware which is no longer used for personal data storage or otherwise discarded; considers furthermore that such design standards would promote best practice in manufacturing; stresses however that any proposals should be technology neutral and innovation friendly;

Or. en

Amendment 63
Malcolm Harbour

Draft opinion
Paragraph 5 c (new)

Draft opinion

Amendment

5c. Calls for an enhanced role for the Article 29 Working Party to formalise its role in implementing standard data protection rules and to assert its independence from the European Commission;

Or. en

Amendment 64

Kyriacos Triantaphyllides, Cornelis de Jong, Søren Bo Søndergaard

Draft opinion

Paragraph 6

Draft opinion

Amendment

6. Calls on the Commission to carry out an impact assessment of self-regulatory initiatives as tools for better enforcement of data protection rules.

deleted

Or. en

Amendment 65

Philippe Juvin

Draft opinion

Paragraph 6

Draft opinion

Amendment

6. Calls on the Commission to carry out an impact assessment of self-regulatory initiatives as tools for better enforcement of data protection rules.

6. Considers that the development and promotion of self-regulatory initiatives can improve the current framework for data protection, though they cannot in any case take the place of legislative measures, especially in terms of enforcement; calls on the Commission and the Member States to encourage such initiatives;

Or. en

Amendment 66

Matteo Salvini

Draft opinion

Paragraph 6 a (new)

Draft opinion

Amendment

6a. Encourages the development of an EU certification scheme in the field of privacy and data protection. It should be

structured in a way that avoids unduly burdening companies – and particularly SMEs – with costly and bureaucratic obligations which could discourage participation. The scheme should be neutral to technology, capable of being recognised globally and affordable so as not to create barriers to entry;

Or. en

Amendment 67
Jürgen Creutzmann

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

6a. Calls for efforts to develop and support instruments that make it more attractive for business to agree on self-regulation, as this is significantly more effective than excessive state control;

Or. de

Amendment 68
Philippe Juvin

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

6a. Supports the creation of an EU certification scheme for websites that comply with EU data protection legislation, modelled on the European Privacy Seal or EuroPriSe (a voluntary trans-European label certifying the compliance of IT-based products or services with EU data protection legislation) that would be applicable

throughout all the EU and replace the diversity of existing private certification schemes and labels that are often only locally recognized; considers that this should include a thorough impact assessment prior to its adoption;

Or. en

Amendment 69
Malcolm Harbour

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

6a. Welcomes the Commission's stance on reciprocity in levels of protection regarding data subjects whose data are exported to, or held in, third countries; calls however on the Commission to take decisive steps towards enhanced regulatory cooperation with third countries in view of clarifying the applicable rules and the convergence of EU and third country data protection legislation; calls on the Commission to bring this forwards as a priority agenda item in the re-launched Transatlantic Economic Council;

Or. en

Amendment 70
Matteo Salvini

Draft opinion
Paragraph 6 b (new)

Draft opinion

Amendment

6b. Calls for a codification of Privacy by design that should not take the form of

design mandates or technology preferences. Calls on the Commission to encourage technology providers to integrate core privacy principles, including data minimisation, transparency and user control, into the development and deployment of technologies;

Or. en

Amendment 71
Jürgen Creutzmann

Draft opinion
Paragraph 6 b (new)

Draft opinion

Amendment

6b. Calls on the Commission not to propose too extensive a level of harmonisation that would inhibit tried and tested data protection systems such as in-house data protection controls carried out by a company's own data controllers backed up by external checks by the State data protection supervisory authorities;

Or. de

Amendment 72
Philippe Juvin

Draft opinion
Paragraph 6 b (new)

Draft opinion

Amendment

6b. Supports the setting-up of common and clear criteria at EU level to carry out audits in the field of privacy and data protection;

Or. en

Amendment 73
Malcolm Harbour

Draft opinion
Paragraph 6 b (new)

Draft opinion

Amendment

6b. Calls for the development of easier, more efficient methods to allow international transfers of personal data, while assuring adequate levels of data protection and privacy of individuals;

Or. en

Amendment 74
Philippe Juvin

Draft opinion
Paragraph 6 c (new)

Draft opinion

Amendment

6c. Calls on the Commission to maintain the current exemptions and derogations provided by Article 9 of Directive 95/46/EC from certain data protection rules for journalistic purposes to safeguard free and independent media in the EU, and for the purpose of artistic or literary expression to support creativity;

Or. en