



2016/2145(INI)

14.12.2016

OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Industry, Research and Energy

on the European Cloud Initiative
(2016/2145(INI))

Rapporteur: Michał Boni

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SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Industry, Research and Energy, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas cooperation among European scientists, the use and exchange of data, always in accordance with the data protection authorities, and the use of new technological solutions, including cloud computing and digitisation of European science, are key to the development of the Digital Single Market; whereas the European Open Science Cloud will have positive effects on scientific development in Europe; and whereas it must be developed and used with due regard for the fundamental rights enshrined in the Charter of Fundamental Rights (CFR);
1. Stresses that the development of the European Open Science Cloud must take place with due regard for the fundamental rights enshrined in the Charter of Fundamental Rights (CFR), in particular for the rights of data protection, privacy, liberty and security, and that it must abide by the principles of privacy by design and by default, and the principles of proportionality, necessity, data minimisation and purpose limitation; recognises that the application of additional safeguards, such as pseudonymisation, anonymisation or cryptography, including encryption, can reduce risks and enhance protection for the data subjects concerned when personal data are used in big data applications or cloud computing; recalls that anonymisation is an irreversible process and calls on the Commission to prepare guidelines on how to anonymise data; reiterates the need for special protection for sensitive data in compliance with the existing legislation; stresses that the abovementioned principles, together with high standards of quality, reliability and confidentiality, are needed for consumers' confidence in this European Cloud Initiative;
 2. Stresses that the use of open standards and free and open source software are especially important in guaranteeing the necessary transparency with regard to how personal and other sensitive types of data are in fact being protected;
 3. Believes that current EU data protection legislation, in particular the recently adopted General Data Protection Regulation (Regulation (EU) 2016/679 – GDPR)¹ and the Data Protection Directive on Law Enforcement (Directive (EU) 2016/680)², provides strong safeguards for the protection of personal data, including those collected, aggregated and pseudonymised for scientific research purposes and sensitive data related to health, together with specific conditions regarding their publication and disclosure, data subjects' right to object to further processing, and rules *on access* for law enforcement authorities in the context of criminal investigations; calls on the Commission to take these safeguards into account for the development of the European Open Science Cloud and the implementation of rules governing access to data stored therein; recognises that a harmonised approach to the implementation of the GDPR, including guidelines, compliance toolkits and awareness-raising campaigns for citizens, researchers and businesses, is crucial, especially for the development of the European Open Science Cloud and the facilitation of research cooperation, including by high-performance computing;

¹ OJ L 119, 4.5.2016, p. 1.

² OJ L 119, 4.5.2016, p. 89.

4. Believes that the free flow of data is beneficial to the digital economy and the development of science and research; emphasises that the Commission's initiative on the free flow of data should enable the growing European cloud computing sector to be in the forefront of the global innovation race, including for science and innovation purposes; recalls that any transfer of personal data to the cloud infrastructures or other recipients located outside the Union should respect the rules for transfers foreseen in the GDPR and that the Commission initiative on the free flow of data should be in compliance with these provisions; stresses that the Initiative should also aim to reduce restrictions as to where companies should place infrastructure or store data, as these would hamper the development of Europe's economy and prevent scientists from reaping the full benefits of data-driven science, while maintaining restrictions in compliance with the data protection legislation to prevent possible future abuses regarding the European Open Science Cloud;
5. Stresses that the scientific community needs a secured, safe and open source high-capacity infrastructure, in order to advance research and prevent potential security breaches, cyber-attacks or misuse of personal data, especially when large amounts of data are collected, stored and processed; calls on the Commission and the Member States to support and incentivise the development of the necessary technology, including cryptographic technologies, taking into account the security by design approach; supports the Commission's efforts to enhance cooperation among public authorities, European industry, including SMEs and start-ups, researchers and academia in the area of big data and cybersecurity from the early stages of the research and innovation process in order to enable the creation of innovative and trustworthy European solutions and market opportunities, while ensuring an adequate level of security;
6. Urges the Commission to ensure strong and vital development of the strongest possible encryption systems, which cannot be compromised, even by hostile foreign state actors, and which will protect the scientific community's work within the EU, where necessary;
7. Strongly believes that the Union should be at the forefront as regards the security and protection of personal data, including sensitive data, and should advocate a high level of data protection and data security worldwide; believes that the EU data protection framework, together with an inclusive cybersecurity strategy that will ensure reliable data infrastructures which are protected against data loss, intrusion or attacks, could form a competitive advantage for European companies regarding privacy; urges the Commission to ensure that the European Cloud will preserve scientific independence and objectivity of research as well as protect the work of the scientific community within the Union.

RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

Date adopted	8.12.2016
Result of final vote	+: 48 -: 1 0: 2
Members present for the final vote	Jan Philipp Albrecht, Heinz K. Becker, Malin Björk, Caterina Chinnici, Ignazio Corrao, Agustín Díaz de Mera García Consuegra, Frank Engel, Cornelia Ernst, Tanja Fajon, Laura Ferrara, Lorenzo Fontana, Ana Gomes, Nathalie Griesbeck, Sylvie Guillaume, Jussi Halla-aho, Monika Hohlmeier, Filiz Hyusmenova, Barbara Kudrycka, Cécile Kashetu Kyenge, Marju Lauristin, Claude Moraes, József Nagy, Péter Niedermüller, Birgit Sippel, Branislav Škripek, Csaba Sógor, Helga Stevens, Traian Ungureanu, Bodil Valero, Marie-Christine Vergiat, Harald Vilimsky, Udo Voigt, Josef Weidenholzer, Cecilia Wikström, Kristina Winberg, Tomáš Zdechovský
Substitutes present for the final vote	Marina Albiol Guzmán, Carlos Coelho, Anna Maria Corazza Bildt, Pál Csáky, Daniel Dalton, Maria Grapini, Marek Jurek, Jean Lambert, Jeroen Lenaers, Angelika Mlinar, Morten Helveg Petersen, Salvatore Domenico Pogliese, Christine Revault D'Allonnes Bonnefoy
Substitutes under Rule 200(2) present for the final vote	Karoline Graswander-Hainz, Esther Herranz García