



EUROPEAN PARLIAMENT

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*Committee on Culture and Education*

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**2011/2025(INI)**

14.4.2011

# **OPINION**

of the Committee on Culture and Education

for the Committee on Civil Liberties, Justice and Home Affairs

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

Rapporteur: Seán Kelly

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## SUGGESTIONS

The Committee on Culture and Education calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Underlines the need for 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 2002/58/EC<sup>1</sup>, with a view to guaranteeing legal certainty in the digital single market in order to facilitate more effective data protection;

### Transparency

2. Stresses the importance of informing users about the competent data protection authority and easy ways to access, rectify and delete their personal data;
3. Emphasises that adequate mechanisms to record users' consent or revocation of consent – which must be explicit and not presumed – must be implemented;
4. Recalls that internet users should have the right to be forgotten in the context of social networks and cloud computing; underlines in this context that users should have the right to exercise control over which aspects of their personal data are publicly accessible;
5. Stresses that personal data communicated to the employer and concerning the user's professional situation should not be published or forwarded to third parties without the prior permission of the person concerned;
6. Stresses that privacy statements in general are very difficult for users to read and comprehend, and therefore encourages the introduction of an informative system whereby the data subject can understand how his personal data will be processed once consent is given;

### Data protection for children and minors

7. Stresses the need for specific online data protection measures to protect children and minors; reiterates that media and ICT literacy should be an essential part of formal education in order to teach children and minors how to act responsibly and safely in the online environment;
8. Stresses that 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 under-age users to appreciate the dangers involved; stresses in particular that under-age users should be given suitable guidance, and that efforts should be made to protect their anonymity if they use an online pseudonym; emphasises that they should also be urged to enter the minimum amount of information on social networks and made fully aware of the

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<sup>1</sup> OJ L 201, 31.7.2002, p. 37.

dangers of releasing personal data such as photographs, telephone numbers or home addresses;

9. Calls on the Member States, therefore, 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;
10. 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;
11. 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;
12. Takes the view that, 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 consent has been given, while respecting the paramount interests of the children concerned;
13. 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;

### **Raising awareness**

14. 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, the steps they can take to protect themselves and the need to take their own responsibility; 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;
15. Further recommends training and awareness campaigns targeted at data controllers and processors, informing them of their obligations and responsibilities;
16. Stresses the importance of maintaining and, where appropriate, reinforcing the derogation for journalistic purposes in Article 9 of Directive 95/46/EC<sup>1</sup>, 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;

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<sup>1</sup> OJ L 281, 23.11.1995, p. 31.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	12.4.2011
<b>Result of final vote</b>	+: 29 -: 0 0: 0
<b>Members present for the final vote</b>	Magdi Cristiano Allam, Maria Badia i Cutchet, Zoltán Bagó, Malika Benarab-Attou, Lothar Bisky, Piotr Borys, Jean-Marie Cavada, Silvia Costa, Santiago Fisas Ayxela, Mary Honeyball, Petra Kammerevert, Emma McClarkin, Marek Henryk Migalski, Katarína Neveďalová, Doris Pack, Chrysoula Paliadeli, Marie-Thérèse Sanchez-Schmid, Marietje Schaake, Marco Scurria, Joanna Senyszyn, Hannu Takkula, László Tőkés, Helga Trüpel, Gianni Vattimo, Marie-Christine Vergiat, Sabine Verheyen, Milan Zver
<b>Substitute(s) present for the final vote</b>	Nadja Hirsch, Seán Kelly