

E-5724/07EN

Answer given by Mr Frattini
on behalf of the Commission
(23.1.2008)

The Commission is not aware of any specific laws either at national or at Community level governing tracking mechanisms in colour laser printers and photocopiers.

In the cases outlined in the Honourable Member's question, the information based on tracking printed or copied material does not necessarily include data relating to identified or identifiable individual, i.e. personal data.

To the extent that individuals may be identified through material printed or copied using certain equipment, such processing may give rise to the violation of fundamental human rights, namely the right to privacy and private life. It also might violate the right to protection of personal data.

The protection of privacy is ensured by Article 8 of the Convention of Human Rights and Fundamental Freedoms. The Charter of Fundamental Rights of the European Union, in Article 7, provides for the protection of private and family life, home and communication, and in Article 8, for the protection of personal data.

Directive 95/46/EC of Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ("Data Protection Directive")¹ ensures the protection of personal data and applies regardless of the technology used for the processing of personal data.

¹ OJ L 281, 23.11.1995.