
Brussels, 13 October 2009

ARTICLE 29 DATA PROTECTION WORKING PARTY

The Article 29 Working Party held its 72nd plenary session in Brussels on October 12 and 13, 2009.

- Contribution to Commissioner Barrot's Public Consultation on the Future of Privacy

Following the EU Commission's conference "Personal data - more use, more protection?", of 19 – 20 May 2009 and the discussion, in June 2009, with the Vice-President Mr Jacques Barrot, Responsible for Justice, Freedom and Security, the Article 29 Working Party has initiated a deep reflection to contribute to the consultation as European experts in the field of Data Protection and Privacy.

The Article 29 Working Party will provide its contribution including concrete proposals and recommendations by the end of the year.

- Data Controller/Data Processor and Applicable Law

The Article 29 Working Party continues its work on the interpretation of key provisions of Directive 95/46/EC, and in particular on the definition of Data Controller and Data Processor (article 2 of Directive 95/46/EC), with a view to finalising this work by the end of the year.

- Expert Group on Credit Histories: public consultation

The Article 29 Working Party has welcomed the opportunity given by the European Commission to comment on the Report of the Expert Group on Credit Histories. The Article 29 Working Party has observed that many of the topics raised by the Report of the Expert Group refer to data protection. It has therefore decided to reply to the public consultation.

The Article 29 Working Party is finalising a contribution that will mainly recommend the addition of specific guarantees with regard to data protection rules in the report.

- SWIFT

The European Commission and the Swedish Presidency provided an update to the Working Party as to the state of play of the new agreement between the EU and the USA currently under negotiations on data transfers via the SWIFT financial data network.

- Safe Harbour Contact Group

Representatives of the Article 29 Working Party will take part in the Conference " Across the Divide: Successfully Navigating Safe Harbor ", organised by the US Department of Commerce in Washington DC in november 17 and 18, 2009.

- Multiannual Programme for an Area of Freedom, Security and Justice serving the citizen (Stockholm Programme)

The Article 29 Working Party had a discussion on the Stockholm Programme. It decided to work jointly with the Working Party on Police and Justice to issue a common opinion on such programme, as soon as it is adopted.

- Protection of Passenger Data collected and processed by Duty-Free Shops at Airports and Ports

Most duty free shops in EU Member States collect and process data including passenger data when items are purchased.

The European Commission has asked the Art. 29 Working Party to look into this matter and review the current practice in EU Member States with regard to data protection questions to come up, if necessary, with recommendations on a uniform application of the general data protection principles to be respected in duty free shops at airports and ports.

The Article 29 Working Party started to work on that matter, it will probably adopt an opinion by the end of the year.

Background information

The Article 29 Working Party on the Protection of Individuals with regard to the Processing of Personal Data is an independent advisory body on data protection and privacy, set up under Article 29 of the Data Protection Directive 95/46/EC. It is composed of representatives from the national data protection authorities of the EU Member States, the European Data Protection Supervisor and the European Commission. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC. The WP is competent to examine questions covering the application of the national measures adopted under the data protection directives in order to contribute to the uniform application of the directives. It carries out this task by issuing recommendations, opinions and working documents.

http://ec.europa.eu/justice_home/fsj/privacy/workinggroup/index_en.htm