

# HIDE PROJECT

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# Introduction to EU Data Protection Law

- EU Directive 95/46/EC (framework Directive)
  - Based on Council of European Convention 108
  - Implemented by 27 EU Member States (and Iceland, Liechtenstein and Norway) – revision anticipated in coming years
  - Sets out basic data protection principles for private and public sector, excluding law enforcement
  - Mandates creation of independent data protection authorities (DPAs) – enforcement authority
  - Creates Art. 29 Working Party, which assembles national DPAs – advisory authority
  - Imposes restrictions on international transfers

# Introduction to EU Data Protection Law

- Basic data protection principles
  - Legality
  - Proportionality & necessity
  - Transparency
  - Special protection of “sensitive personal data”
  - Restrictions on automated decision-making
  - Security
  - Rights of individuals

# Introduction to EU Data Protection Law

- Directive 2002/58/EC (e-privacy directive)
  - Applies mainly to the telecommunications sector
  - Some provisions have broader application (e.g., Art. 5.3 on cookies and Art. 13 on unsolicited communications)
  - Recently amended to cover RFID applications
    - Article 3 - Services concerned:
      - “This Directive shall apply to the processing of personal data in connection with the provision of publicly available electronic communications services in public communications networks in the Community, including public communications networks supporting data collection and identification devices.”

# Data Protection and Biometrics/RFIDs

- Article 29 Working Group opinions
  - WP80 on biometrics (2003)
  - WP105 on RFID (2005)
  - WP112 on biometrics in passports (2005)
- Commission Recommendation on privacy and data protection in RFID applications (2009)

# Data Protection Future

- Current framework is fragmented
  - Commercial use vs. law enforcement
  - Telecommunications vs. other
- Technological developments challenge current regulatory framework
  - Ubiquitous computing
  - Cloud computing
  - Biometrics, RFID, nano-technologies
- Revision of framework Directive anticipated
- Lisbon Treaty