

# Data Protection: Political Agreement in Council

COM(92)422 final du 15/10/92

**A** Political agreement was reached by the Internal Market Council on 8 December on the proposed Directive in the Field of data protection. Raniero Vanni d'Archirafi welcomed this agreement which paves the way for a common position before the end of the year. The Council has given the permanent representatives of the Members States (COREPER) the task of finalizing the text so as to allow formal adoption of the common position at a forthcoming Council.

The objectives of the Directive are as follows:

- remove obstacles to the **free movement** of personal data resulting from divergent national data protection laws
- assuring for every individual whose personal data are processed in the Community an equivalent **protection of rights**, in particular the right of **privacy**, wherever the processing is carried out

What the Directive sets out?

The Directive (proposed in 1990 and amended in 1992) establishes **common rules** intended to **avoid abuse** of personal data and to **inform data subjects** of the existence of processing operations. These rules will be applied by those who collect, retain and transmit data in the context of their economic, administrative or associated activities.

It will **equally guarantee** to data subjects a right:

- of access to data relating to them
- to know the source of the data

- to have inaccurate data corrected
- to refuse the use of their data in certain circumstances
- of redress where data is processed unlawfully

The Directive also provides for a **system of supervision** by national authorities acting in complete independence and co-operating with one another when necessary. Finally the Directive includes **provisions** and a community system intended to avoid circumvention of the legislation where data are transferred to **third countries**.

The Directive leaves Member States the necessary margins of manoeuvre in view of the multiplicity of areas in which it applies, and the long or more recent experience they have in this matter. In particular, the Directive provides **specific exemptions** regarding the press and the use of personal data for scientific or medicinal research. Once the Council has formally adopted the common position, this will be transmitted to the European Parliament for its second reading and adoption according to the **co-decision procedure**.

## A Corner Stone of the Information Society

For M. Vanni d'Archirafi, this Directive represents "a major step forward for the protection of human rights in the European Union, because it will guarantee a high level of privacy protection for individuals in all the Member States. At the same time, the Directive will allow free movement of services, in particular those carried by the new information society services that the European Council at Corfu asked the Council of Ministers to approve the data

protection Directive before the end of 1994, and I am therefore delighted that the Council has been able to satisfy this demand".

"At a time when we are preparing the G-7 summit on Information Society, the Commissioner added, the Council decision will confirm to our major partners in Canada, the US and Japan the importance that Europe attaches to the human rights dimension when developing new technologies".

For more information, please contact  
Nick Platten  
TEL: (322) 295 98 62