

Data protection

Background

The existing legal framework on personal data protection comprises the Data Protection Directive 95/46/EC (that entered into force at the beginning of the digital era), Regulation (EC) No 45/2001 on processing of personal data by the EU institutions and bodies, and the Framework Decision 2008/977/JHA on the protection of personal data in the context of criminal law enforcement.

In 2012, the European Commission proposed a major reform of the EU legal framework on the protection of personal data. The proposal aims to ensure the same level of protection for data subjects in online and offline environments. The European Parliament adopted its position on [12 March 2014](#), and the Council of Ministers followed suit on [15 June 2015](#). The trilogue between the Commission, the Parliament and the Council began in June and agreement was reached on [15 December 2015](#). Following the political agreement reached in trilogue, the final texts were formally adopted by the European Parliament and the Council at the beginning of 2016. The new rules will become applicable in 2018. Please see the main points of the GDPR below.

In addition, one major issue is international data transfers to the US. The previous EU Data Protection Directive and the new Regulation both allow international data transfers to third countries if they provide adequate protection of Europeans' data.

The Safe Harbour Agreement between the US and the EU served as a basis for the decision of the European Commission on the adequacy of data protection in the US. However, following revelations about mass surveillance in the US by Edward Snowden and Max Schrems (an Austrian student), the decision was brought in front of the European Court of Justice. It ruled that the decision was invalid and therefore all data transfers to the US based on the Safe Harbour agreement were invalid as well. In March, the Commission presented a new deal with the US called the Privacy Shield.

EACA position

EACA supports transparent data collection and processing practices. We believe that consumers should be informed about how their data is being collected and processed and also for which purposes. EACA members uphold high standards of data protection throughout the whole process. We also believe that legislation should be complemented with self-regulation which covers data protection.

We support international data transfers as part of a fully functional world digital economy. However, we do believe that an appropriate level of data protection should be instituted with adequate safeguards.