

Jurius

## Data protection reform – Parliament approves new rules fit for the digital era

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New EU data protection rules which aim to give citizens back control of their personal data and create a high, uniform level of data protection across the EU fit for the digital era was given their final approval by MEPs on 14 April 2016. The reform also sets minimum standards on use of data for policing and judicial purposes.

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Category: News

Region: EU

Field of law: Data Protection

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[Rz 1] Parliament's vote ends more than four years of work on a complete overhaul of EU data protection rules. The reform will replace the current data protection directive, dating back to 1995 when the internet was still in its infancy, with a general regulation designed to give citizens more control over their own private information in a digitised world of smartphones, social media, internet banking and global transfers.

[Rz 2] «The general data protection regulation makes a high, uniform level of data protection throughout the EU a reality. This is a great success for the European Parliament and a fierce European yes to strong consumer rights and competition in the digital age. Citizens will be able to decide for themselves which personal information they want to share», said Jan Philipp Albrecht (Greens, DE), who steered the legislation through Parliament. «The regulation will also create clarity for businesses by establishing a single law across the EU. The new law creates confidence, legal certainty and fairer competition», he added.

[Rz 3] The new rules include provisions on:

- a right to be forgotten,
- «clear and affirmative consent» to the processing of private data by the person concerned,
- a right to transfer your data to another service provider,
- the right to know when your data has been hacked,
- ensuring that privacy policies are explained in clear and understandable language, and
- stronger enforcement and fines up to 4% of firms' total worldwide annual turnover, as a deterrent to breaking the rules.

[Rz 4] The data protection package also includes a directive on data transfers for policing and judicial purposes. It will apply to data transfers across borders within the EU as well as, for the first time, setting minimum standards for data processing for policing purposes within each member state.

[Rz 5] The new rules aim to protect individuals, whether victims, criminals or witnesses, by setting out clear rights and limitations on data transfers for the purpose of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including safeguarding against and preventing threats to public security, while at the same time facilitating smoother and more effective cooperation among law enforcement authorities.

[Rz 6] «The main problem concerning terrorist attacks and other transnational crimes is that member states' law enforcement authorities are reluctant to exchange valuable information», said Parliament's lead MEP on the directive Marju Lauristin (S&D, ET). «By setting European standards for information exchange between law enforcement authorities, the data protection directive will become a powerful and useful tool which will help authorities transfer personal data easily and efficiently, at the same time respecting the fundamental right to privacy», she concluded.

[Rz 7] Next steps:

- The regulation will enter into force 20 days after its publication in the EU Official Journal.
- Its provisions will be directly applicable in all member states two years after this date.
- Member states will have two years to transpose the provisions of the directive into national law.
- Due to UK and Ireland's special status regarding justice and home affairs legislation, the directive's provisions will only apply in these countries to a limited extent.

- Denmark will be able to decide within six months after the final adoption of the directive whether it wants to implement it in its national law.

**Further information:**

- Die verabschiedeten Texte werden hier verfügbar sein: <http://www.europarl.europa.eu/plenary/de/texts-adopted.html>
- Video der Debatte: <http://www.europarl.europa.eu/eplive/de/plenary/search-by-date>
- Video der Pressekonferenz: <http://www.europarl.europa.eu/ep-live/de/otherevents/schedule>
- Audiovisuelles Material für Medienschaffende: <http://audiovisual.europarl.europa.eu/default.aspx>
- EP-Hintergrund: «Data Protection Reform Package: Final steps» (auf Englisch): [http://www.europarl.europa.eu/thinktank/de/document.html?reference=EPRS\\_ATA%282016%29580908](http://www.europarl.europa.eu/thinktank/de/document.html?reference=EPRS_ATA%282016%29580908)
- Europäische Kommission – Factsheet: Fragen und Antworten – Datenschutzreform: [http://europa.eu/rapid/press-release\\_MEMO-15-6385\\_de.htm](http://europa.eu/rapid/press-release_MEMO-15-6385_de.htm)
- Erich Schweighofer, Die neue EU-Datenschutz-Grundverordnung: Entstehung und Überblick, in: Jusletter IT Flash
- Rolf H. Weber, Datenschutzkonforme Technikgestaltung: Privacy by Design und by Default, in: Jusletter IT Flash
- Michal Cichocki, Erste Überlegungen zur klar zustimmenden Handlung sowie Freiwilligkeit bei der Einwilligung, in: Jusletter IT Flash
- Rolf-Dieter Kargl, Die Zustimmung als Eckpfeiler der Datenverarbeitung in Österreich, in: Jusletter IT Flash
- Webinar@Weblaw: Die Safe Harbor Entscheidung des EuGH

Source: Press Release No 21776 of the European Parliament of 14 April 2016