



European
Commission

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Why do we need an EU data protection reform?

The EU's 1995 Data Protection Directive set a **milestone in the history** of personal data protection. Its basic principles, ensuring a **functioning internal market** and an **effective protection of the fundamental right** of individuals to data protection, are as valid today as they were 17 years ago. But differences in the way that each EU country implements the law have led to an uneven level of protection for personal data, depending on where an individual lives or buys goods and services.

The current rules also need to be **modernised** - they were introduced when the Internet was still in its infancy. **Rapid technological developments** and globalisation have brought new challenges for data protection. With **social networking sites, cloud computing**, location-based services and smart cards, we leave digital traces with every move we make. In this "brave new data world" we need a robust set of rules. The EU's data protection reform will make sure our rules are future-proof and fit for the digital age.

What is personal data?

Personal data is any information **relating to an individual**, whether it relates to his or her private, professional or public life. It can be anything from a name, a photo, an email address, your bank details, your posts on social networking websites, your medical information, or your computer's IP address. The EU data protection rules apply when a person can be identified, directly

or indirectly, by such data. The EU Charter of Fundamental Rights says that everyone has the right to personal data protection in all aspects of life: at home, at work, whilst shopping, receiving medical treatment, at a police station or on the Internet. **74%** of Europeans think that disclosing personal data is **increasingly part of modern life**, but at the same time, **72%** of Internet

Attitudes towards data protection

- Just over a quarter of social network users (**26%**) and even fewer online shoppers (**18%**) feel in **complete control** of their personal data.
- **74%** of Europeans see **disclosing personal information** as an increasing part of modern life.
- **43%** of Internet users say they have been asked for **more personal information than necessary**.
- Only **one-third** of Europeans are aware of the existence of **a national public authority** responsible for **data protection (33%)**.
- **90%** of Europeans want the **same** data protection rights across the EU.

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Attitudes on Data Protection and Electronic Identity in the European Union, June 2011

Any questions?

http://ec.europa.eu/justice/data-protection/index_en.htm

Contact Europe Direct: 00 800 67 89 10 11 - <http://europa.eu/europedirect/>

users are worried that they give away **too much personal data**. They feel they are not in complete control of their data. This eats away at their **trust in online and other services** and holds back the growth of the **digital economy** in general.

What is the Commission planning to do?

The Commission's proposals update and modernise **the principles** enshrined in the 1995 Data Protection Directive to guarantee the right of personal data protection **in the future**. They focus on: reinforcing **individuals' rights**; **strengthening the EU internal market**; ensuring a high level of data protection in all areas, including **police** and **criminal justice cooperation**; ensuring proper **enforcement** of the rules; and setting global data-protection standards.

What will this mean for me?

The proposed changes will give you **more control** over your personal data, make it easier to access, and improve the quality of information you get about what happens to your data once you decide to share it. These proposals are designed to **make sure that your personal information is protected** – no matter where it is sent or stored – even outside the EU, as may often be the case on the Internet.

Individuals can be **confident** that they can go online and take advantage of new technologies regardless of where they come from, whether it's **shopping for a better deal**, or **sharing information with friends** around the globe. This reinforced trust will also help businesses grow and allow them to serve consumers throughout Europe with adequate safeguards for personal data, and with lower costs. This will help **stimulate the internal market, boost growth, create jobs and foster innovation**.

What will be the key changes?

- A **'right to be forgotten'** will help people better manage data-protection risks online. When they no longer want their data to be processed and there are no legitimate grounds for retaining it, the data will be deleted.
- **Whenever consent is required** for data processing, it will have to be given **explicitly**, rather than be assumed.
- Easier access to one's own data and the **right of data portability**, i.e. easier **transfer of personal data** from one service provider to another.
- Companies and organisations will have to notify serious data breaches without undue delay, **where feasible within 24 hours**.
- **A single set of rules** on data protection, valid across the EU.
- **Companies** will only have to deal with **a single national data protection authority** – in the EU country where they have their main establishment.
- Individuals will have the **right to refer all cases to their home national data protection authority**, even when their personal data is processed outside their home country.
- **EU rules will apply** to companies not established in the EU, if they offer goods or services in the EU or monitor the online behaviour of citizens.
- Increased **responsibility and accountability** for those processing personal data.
- **Unnecessary administrative burdens** such as notification requirements for companies processing personal data **will be removed**.
- **National data protection authorities will be strengthened** so they can better enforce the EU rules at home.