European Commission

How will the EU's reform adapt data protection rules to new technological developments?

Switching service providers – how does data portability work?

Social networks and photo-sharing websites allow people to store hundreds of photos, personal messages and personal contacts. If, for example, an individual who posted photos on a photo-sharing site decides that he wants to use another service provider, he should be able to transfer all these photos, where technically possible, without any obstacles or loss. In a world where technology develops continuously, users should not be bound to one provider simply because it is inconvenient for them to move their data. Such practices stifle competition and choice.

How is the digital environment challenging data protection?

The rapid pace of **technological change** and **globalisation** have profoundly transformed the scale and way personal data is collected, accessed, used and transferred. There are several good reasons for reviewing and improving the current rules, which were adopted in 1995: the increasingly **globalised nature of data flows**, the fact that personal information is collected, transferred and exchanged in huge quantities, across continents and around the globe in milliseconds and the arrival of **cloud computing**. In particular, **cloud computing** – where individuals access computer resources remotely, rather than owning them locally – poses **new challenges** for data protection authorities, as data can and does move from one jurisdiction to another, including outside the EU, in an instant. In order to ensure a continuity of data protection, the rules need to be brought in line with technological developments.

Attitudes towards data protection

- **60%** of Europeans who use the internet **(40% of all EU citizens) shop or sell things** online and use social networking sites.
- People disclose personal data, including **biographical information** (almost 90%), **social information** (almost 50%) and **sensitive information** (almost 10%) on these sites.
- **70%** said they were concerned about how companies **use this data** and they think that they have **only partial**, if any, control of their own data.
- **74%** want to give their **specific consent** before their data is collected and processed on the Internet.

Special Eurobarometer 359
Attitudes on Data Protection and Electronic Identity in the European Union, June 2011

What is the Commission proposing?

The Commission will propose one, single, **technologically neutral** and **future-proof set of rules across the EU**. This means that regardless of how technology and the digital environment develop in the future, the personal information of individuals in the EU will be secure, and their fundamental right to data protection respected.

The Commission will also reinforce the **'right to be forgotten',** so that if an individual no longer wants their personal data to be processed, and there is no legitimate reason for an organisation to keep it, it must be removed from their system.

Citizens will also have a right to **data portability**, i.e. the right to obtain a copy of their data from one Internet company and to transmit it to another one without hindrance from the first company. These proposals will help **build trust in the online environment**, which is good for individuals and businesses.

How will this help?

This trust will enable consumers to engage with innovative technologies and purchase **online in full confidence** that **their data will be protected**. This will encourage people to embrace new technologies and to make full use of the single market's potential to provide a **greater choice of goods** at **lower prices.** This increase in activity will also help businesses, especially small and medium-sized businesses (SMEs), **grow to their full potential** within the single market. By having **future-proof**, **technologically neutral** regulations, the Commission's proposals will give **long-lasting certainty** to data protection issues online.

What will be the key changes?

- Guaranteeing **easy access to one's own data** and the **freedom to transfer personal data** from one service provider to another.
- Establishing the **right to be forgotten** to help people better manage data protection risks online. When individuals no longer want their data to be processed and there are no legitimate grounds for retaining it, the data will be deleted.
- Ensuring that whenever the consent of the individual is required for the processing of their personal data, it is always **given explicitly**.
- Ensuring a **single set of rules** applicable across the EU.
- **Clear rules** on when EU law applies to data controllers **outside the EU**.