

# European Commission proposals for data protection

**ISPA Legal Forum**  
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# Why now?

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The European Commission published new legislative proposals for data protection on 25 January 2012. The Proposals contain:

- The European Commission wants to introduce a harmonised set of rules to ensure greater consistency in the application of rules for the benefit of both business and individuals.
- There is a clear need to update the framework for Data Protection due to rapid technological advancement over recent years
- In Britain's interest to have uniform practices across the EU, both to help businesses and protect civil liberties
- But, parts of the Commission's proposals are very prescriptive and would impose considerable costs

# What's new?

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- **Harmonisation:** Regulation will apply directly – replace and repeal data protection act of 1995; EU law to govern internal police processing (?); a new “consistency mechanism” across the EU.
- **Definitions:** new definitions for data subjects; consent must be “explicit”
- **Rights:** more information to individuals; clearer privacy policies; free access to your information; a right to be forgotten.
- **Obligations:** data protection impact assessments; data protection officers; data breach notifications.
- **International transfers:** adequacy processes in relation to third countries; international commerce or law enforcement co-operation; existing bilateral, multilateral treaties
- **Penalties:** up to €1m or 2% of annual turnover.

# Where next?

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- **Call for Evidence:** ran in February and March; 150 responses; Response being published in June.
- **UK Negotiating mandate:** Parliamentary Scrutiny
- **Council:** Regular meetings of DAPIX (Data Protection and Information Exchange Working Group)
- **European Parliament:** working towards First Reading; Greens/Socialists in the lead.
- **Timescale:** proposed two years (then implementation).