



A European Data Protection Framework for the 21st century

Safeguarding Privacy in a Connected World

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The Data Protection Reform Package

- "General" Data Protection Regulation (GDPR)
- Directive in the field of police and criminal justice cooperation (Police Directive)

The diagram consists of three rounded rectangular boxes arranged horizontally, connected by a light blue line. The first box is blue and contains the text '2012: Proposals'. The second box is dark blue and contains '2016: Adoption'. The third box is light blue and contains '2018: Application'. A large, light blue arrow points to the right, starting from the right side of the third box and extending beyond the frame.

**2012:
Proposals**

**2016:
Adoption**

**2018:
Application**

Why a new European framework for Data Protection?

- **Technology developments and globalisation:** addressing the challenges and seizing the opportunities of the digital economy
- **Constitutionalisation of the fundamental right to data protection** (Lisbon Treaty)
- **Fragmentation of legislative framework** (different transposition of Directive 95/46/EC into national laws)

Data Protection Regulation

- **Setting out the general Data Protection framework in the EU**
- **Replaces Data Protection Directive 95/46/EC**
- **But maintains the same objectives**
 - Protecting the fundamental rights to Data Protection
 - Guarantee the free flow of personal data between Member States

An evolution not a revolution !

- Some things remain:*
- *‘Personal data’*
 - *Controller*
 - *Processor*
 - *Data subject*
 - *Supervisory authority*
 - *...*

An evolution not a revolution !

*Some things
change:*

- *Accountability*
- *Processor obligations*
- *Data portability*
- *Fines*
- *Data protection governance*
- *...*

Data Protection Regulation – Main Changes

PUTTING INDIVIDUALS IN CONTROL OF THEIR DATA

- **Easier access to personal data** - Individuals will benefit from more transparency on how their data is handled, with easy-to-understand information, especially for children
- Enhanced “**right to be forgotten**” - When individuals no longer want their data to be processed and there are no legitimate grounds for retaining the data, they will be deleted
- **Right to data portability** - a right to transfer personal data normal from one service provider to another

Data Protection Regulation – Main Changes

PUTTING INDIVIDUALS IN CONTROL OF THEIR DATA

- **Consent** of the individual for the processing of their personal data to be given by means of a **clear affirmative action**
- **Data protection by design and by default:** Data protection safeguards to be built into products and services from the earliest stage of development
- **Rules apply to non-EU companies** offering goods or services to EU individuals or monitoring their activities

Data Protection Regulation – Main Changes

RULES FIT FOR THE DIGITAL SINGLE MARKET

- **One single rule** - Regulation is directly applicable and removes legal fragmentation saving enterprises EUR 2,3 billion per annum
- **Cutting red tape** (e.g. abolishing notifications to process data)
- **One-stop shop system** for data protection in the EU: one single DPA to deal with for companies

Data Protection Regulation – Main Changes

ACCOUNTABILITY: TOWARDS A NEW COMPLIANCE MODEL

- **Mandatory prior Impact Assessment-** in case of high risk processing
- **Controller's obligation to report data breaches** - Individuals have a right to know when their data has been hacked
- **Mandatory appointment of independent Data Protection Officers** for public authorities and undertakings with core activities consisting in systematic and large scale monitoring of data subjects or processing of large scale of sensitive data
- **Industry friendly compliance tools** - Certification and Codes of Conduct (which under certain conditions may have general validity in the EU)

Data Protection Regulation – Main Changes

IMPROVEMENT IN DATA PROTECTION GOVERNANCE

- **Stronger national DPAs**
- **Swifter and more efficient cooperation between DPAs**
- **An independent European Data Protection Board**
- **EU level consistency mechanism**
- **A role for the Commission**

Data Protection Regulation – Main Changes

IMPROVEMENT IN DATA PROTECTION GOVERNANCE

- **Uniform interpretation of rules** – opinions of EDPB
- **One-stop shop system** for data protection in the EU: companies will only have to deal with one single supervisory authority, not 28, making it simpler and cheaper for companies to do business in the EU
- **Better enforcement and governance** through stronger, better coordinated national DPAs and effective sanctions (fines up to 4% of companies global annual turnover)

Next steps

- Revision of e-privacy Directive (2002/58/EC) – specific data protection rules for electronic communication sector
- Revision of data protection Regulation (45/2001) for EU institutions
- Possibility of Commission implementing or delegated acts (e.g. standard contractual clauses for relationship between controller and processor)
- Commission provides general assistance to MS (e.g. spread best practices) and dialogues with stakeholders

Thank you for your attention!