

Contact: John Phelan +32 (0)2 789 24 01
Date: 15/06/2015
Reference: BEUC-PR-2015-010

EU Justice Ministers decide on consumers' privacy laws

Questions of how consumers' personal data is gathered, used, monetised, if and how it is protected have become crucial in 'big data' driven economies.

The EU is currently overhauling its 1995 legal framework with a General Data Protection Regulation which will apply to all companies (including online) targeting users in Europe. The Council of Justice Ministers agreed its general approach to this Regulation, Monday June 15.

Key measures at stake include:

- **Closing loopholes** – Businesses' "legitimate grounds" for retaining information must not become the legal means to bypass fundamental data protection principles such as "purpose limitation" and "data minimisation" when processing consumers' information.
- **Profiling** – MEPs and consumers' called for a right not to be subject to profiling i.e. when personal data is gathered, processed and cross-referenced to create a detailed image of an individual. Profiling of children must be expressly prohibited.
- **Ensuring access to redress** – With large scale data protection law breaches, it must be made possible for victims to collectively claim redress and act on their rights. BEUC and the European Parliament agree this is a key remedy.
- **Scope of protection** – The legal meaning of "personal data" must not be narrowed. It must include any information allowing identification of a subject e.g. location data or IP address.

Monique Goyens, Director General of The European Consumer Organisation said:

"The EU is, and should continue to be, a world leader of privacy and data protection standards. But the need to modernise is urgent. EU laws are now lagging behind the pace of technologies and business practices. Our personal data is collected, then used and transferred in ways which most consumers are oblivious to. An appropriate update must put control of personal data back in the hands of European consumers.

"This new regulation is the opportunity to close gaps, ensure robust standards and stipulate that EU laws apply to all businesses operating here. It's a source of concern that in some important instances the Council has deviated from the original aims of the reform and the principles which should be guiding it. We must ensure business opportunities presented by 'big data' do not result in an erosion of consumer rights. Getting it right is vital for Europe's Digital Single Market.

(1/2 Contd.)

"70% of Europeans are concerned companies use their personal data for other purposes than for which it was collected¹, while 67% believe there is no alternative to disclosing personal information if they want to obtain products or services.

Companies must stop seeing consumers as commodities, but instead as citizens with legal rights whose trust needs earning. In Europe, the concept of privacy is not a trend nor should companies view it as an inconvenience better off ignored. It is a longstanding fundamental right, one which must be made fully applicable to the digital world."

See BEUC's key messages on EU Data Protection laws [here](#) or
On our Digital Rights webpage www.beuc.eu/digital-rights

ENDS

¹ http://ec.europa.eu/public_opinion/archives/ebs/ebs_359_en.pdf