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“Putting an end to silos in the enforcement of consumers’ rights”

Today, The European Consumer Organisation (BEUC) and the European Data Protection Supervisor (EDPS) hold a joint conference on the enforcement of fundamental rights in the age of big data.

BEUC calls for a cross-border and cross-sector approach to enforcement to guarantee a strong protection of consumers’ rights and welcomes the recommendations made by the EDPS in its latest opinion¹. All competent enforcement authorities (data protection authorities, consumer protection authorities, competition authorities, financial regulators, energy regulators, etc.) must work closer together to address the challenges created by big data. Data protection laws are also consumer laws and vice versa.

The use of digital technologies and big data by companies is transforming consumers’ lives, bringing many benefits to consumers, and transforming how they access and experience goods and services. But there are also great risks for consumers in different areas:

- Fundamental values of our society, such as privacy, solidarity, self-determination and non-discrimination are being challenged. It is almost impossible to use online services without being under constant commercial surveillance. The loss of privacy has widespread collateral effects that can negatively impact consumers. For example, profiling practices can lead to discriminatory treatment of consumers in vulnerable situations when accessing certain services such as health insurances.
- Asymmetry of knowledge and power between businesses and consumers is growing. It is getting harder and harder to know, let alone understand, what goes on inside the digital ‘black box’. Terms and conditions are complex, unreadable and sometimes do not reflect real practice². They are also often in breach of consumer law and data protection law³. All this leaves the consumer in an even weaker position vis-à-vis the commercial actors.

¹ [EDPS opinion 8/2016 “Coherent Enforcement of Fundamental Rights”](#)

² See for instance the #appfail campaign of the Norwegian Consumer Council:
<http://www.forbrukerradet.no/appfail-en/>

³ See for instance UFC-Que Choisir legal actions against the Terms and Conditions of social networks:
<https://www.quechoisir.org/action-ufc-que-choisir-l-ufc-que-choisir-met-en-demeure-les-reseaux-sociaux-les-internautes-doivent-garder-la-main-sur-leurs-donnees-n12415/>

- The predominant internet business models is based on the monetisation and exploitation of consumers' personal data, often without consumers' knowledge or consent. This situation, coupled with the strong network effects that drive the digital ecosystem, is seriously undermining users' privacy and favouring the concentration of power in the hands of a handful of companies. Such overwhelming power allows companies to impose terms and conditions on users which they might not otherwise be willing to accept.⁴

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

"The opportunities and challenges created by big data are enormous. They are affecting every aspect of our lives and each and every sector of the economy. Regulators must stop working in silos if we want to create an environment of trust, confidence, security and innovation which allows consumers to safely embrace digital technology.

"We welcome the actions undertaken by the European Data Protection Supervisor to boost cooperation and call on national enforcement authorities to participate in the 'Digital Clearing House', a voluntary network of regulators.

"Enforcement authorities must have strong powers and instruments in their toolbox to deal with pan-European infringements. They must also cooperate closely with consumer organisations who have repeatedly demonstrated that consumer law can also be used to tackle privacy-shortcomings of online services."

ENDS

⁴ See for instance the recent case launched by our German member vzbv against WhatsApp:
<http://www.vzbv.de/pressemitteilung/daten-ohne-schutz-whatsapp-ueberschreitet-rote-linie>