

Personal data protection

1990/0287(COD) - 24/10/1995 - Final act

OBJECTIVE: to facilitate the free movement of data within the Community by ensuring a high level of protection for individuals in relation to the processing of personal data.

COMMUNITY MEASURE: European Parliament and Council Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

SUBSTANCE:

- The directive establishes the common basic rules for the protection of individuals in relation to personal data;
- A high level of protection is guaranteed through the obligations imposed on those responsible for processing data (public authorities, enterprises, agencies, etc.) and through the rights conferred on individuals whose data is the subject of processing;
- The obligations imposed on those responsible for processing relate to the quality of the data, insofar as processing must have an explicit and legitimate purpose, security and notification to an independent supervisory authority, which must be created by the Member States;
- The directive covers in general the collection, adaptation, use, interconnection and erasure of personal data;
- Member States shall prohibit the processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, and the processing of data concerning health or sex life;
- Member States shall provide for exemptions or derogations for the processing of personal data carried out solely for journalistic purposes or the purpose of artistic or literary expression only if they are necessary to reconcile the right to privacy with the rules governing freedom of expression;
- The data subject has the right to be informed of the processing being carried out and the data being used, to request that the data be rectified if it is incorrect and to object to the processing;
- The directive also relates to the confidentiality and security of processing. It covers both the private and public sectors, with the exception of the provisions concerning the CFSP, cooperation on justice and home affairs, public safety, and national defence and security.

Deadline for the transposal of the directive into national legislation: 24 October 1998.