

Conference of the European Data Protection Authorities

Lisbon, 16-17 May 2013

Resolution on the Future of Data Protection in Europe

Data protection and privacy in Europe are at this moment in a key turning-point with the review of the Council of Europe Convention 108 and the EU Data Protection Directive, two main instruments that represent the cornerstone of data protection all over Europe.

It is therefore a time of evaluation and a great opportunity to cope with the challenges ahead and move forward into a consistent path of strengthening data protection standards and effectiveness in a globalised world. This is not an easy task and demands the committed involvement of all stakeholders in this dynamic process, with particular relevancy for the role of the Data Protection Authorities, which are first of all authorities of guarantee of the rights of the individuals.

The modernisation of Convention 108 and the EU data protection reform give Europe the chance to build on the experience to better shape the future by keeping the high values and principles enshrined in our tradition while evolving in the protection of privacy in a radically changed world by providing the most adequate answers to the technological and societal innovations.

The choices made now will have a major impact in the coming years for the citizens' fundamental right to data protection. Moreover, the failure to safeguard privacy endangers other rights and freedoms, such as the right to non-discrimination, the right to free circulation, the right to anonymity, the right to freedom of expression and, ultimately, the dignity of the person.

For the accomplishment of an effective exercise of the fundamental rights in a democratic society, there is a need to materialize at any moment the necessary guarantees.

Accordingly, the European Data Protection Commissioners commit to keeping actively contributing to the development of data protection in Europe, in all areas of life, fully aware of their essential mission in the safeguard of a fundamental right.

The Conference of the European Data Protection Authorities gathered in Lisbon in the Spring Conference:

- Calls on the European States, on the Council of Europe and on the European Union to seize the opportunity of reviewing the data protection legal framework to strive to strengthen the rights of the individuals and to guarantee an effective protection of their privacy in a highly technological and globalised world;
- Reiterates the need to develop a consistent and robust data protection regime, affording the same level of protection for both private and public sectors, though having into consideration the justified and tailor-made rules in the field of law enforcement;
- Voices its deep concern for the different rhythms impressed to the EU reform, opening the possibility, for a long time, of keeping the law enforcement sector not covered in practice by the fundamental right to data protection;
- Urges then the EU legislator to adopt at the same time the Data Protection Regulation and Directive, avoiding a dangerous legal gap in data protection, in particular in a time of increasing re-use of personal data held by private bodies to law enforcement purposes.
- Calls upon the Council of Europe and the European Union for the need to improve substantially the response to the Internet challenges to privacy, by introducing clarity and certainty for companies and data subjects and developing adequate safeguard mechanisms to allow an effective protection of the rights of the individuals and a feasible enforcement by DPAs.

- Encourages companies and public bodies and all those involved in policy and law on data protection, to strive and invest in information security as a core priority of the data processing activities, in order to tackle the increasing risks of personal data breaches in the digital world and to actively preserve citizens' privacy.
- Highlights the need to strengthen the cooperation mechanisms among DPAs to deal with the new business trends and to find out a common approach and ways of action that ensure in practice the protection of the individuals' rights, always based on the mutual respect for each DPA independent status.
- Underlines the need to appropriately reinforce regular cooperation and assistance among DPAs to address the significant demands of the massive personal data sharing, at European level, in centralised or decentralised information systems, and of the cross-border information exchange, in particular by law enforcement authorities, enabling DPAs to better monitor compliance of the data processing activities.
- Reiterates the importance of providing DPAs with the sufficient powers, competences, financial means and resources to fully perform their supervisory tasks in an independent manner, in order to be able to guarantee the protection of the citizens' fundamental right to data protection and privacy.
- Welcomes all stakeholders to discuss and contribute to the future of data protection in Europe.