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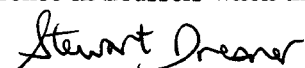
December 1991

In October, I had the privilege to attend as an observer, for the 10th successive year, the 13th Data Protection Commissioner's Conference in Strasbourg. A particular highlight was a statement, delivered by Professor Spiros Simitis, widely respected privacy protection advocate, and Chairman of the EC member states' Data Protection Commissioners' working group.

The Commissioners welcome the draft directive and offer the following observations. The basis of the proposals should be "data" rather than "file" which is an "obsolete concept." It is absolutely necessary to have an equal degree of protection in the public and private sectors, and also to avoid superfluous bureaucratic processes. Registration is not the answer. Codes of conduct may be a solution - but only ones approved by the DPA's. Data protection depends on independence of the DPA's at both national and international levels. There must be equal standards for transfers of personal data within and outside the EC.

Professor Simitis then made these personal remarks. There must be no fall back to the Council of Europe Convention which although uniquely influential, was prepared in the late 1970's and is not an adequate basis for policy now. Contractual agreements cannot replace legislation despite pressure to strengthen this approach. There can be no EC regulation without compromise, and everyone must accept some changes. The EC is at the beginning. The general framework directive will be followed by sectoral rules where the Council of Europe Recommendations are a sound basis.

His successor as Chairman is Peter Hustinx, President of the Netherlands DPA who has agreed to participate in our May/June conference in Brussels when the new EC draft directive is released.



Stewart Dresner, Publisher

P.S. Ensure we respond to your interests by replying to my recent 1992 conferences letter.

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