



Continuing data protection activities in the EU

Now that the directive has been adopted (page 1), the European Union will retain an active role in the following areas:

1. Data protection and privacy will be examined by the Information Society Forum which brings together experts from many sectors and all Member States.
2. It is likely that the Commission will study the level of data protection law and sectoral codes in non-EU states which are the EU's more important trading partners.
3. Some Central and Eastern European countries are examining the process of applying for EU membership. They are adopting national data protection laws, and signing and ratifying the Council of Europe Convention on Data Protection no. 108 as first steps before they can adopt the more advanced rules of the EU directive.
4. A further issue is the accession of the European Union as a single entity to the Council of Europe Convention. In order to negotiate EU accession to the Council of Europe, the European Commission must obtain a mandate from the EU Member States. Such an accession would have

important consequences for the working of the Council of Europe.

5. The European Commission will be working on an internal data protection policy.
6. Now that the framework data protection directive has been adopted, progress has resumed on the ISDN (telecommunications) draft directive (PL&B October '94 pp.11-14). Directorates General 13 and 15 are both involved. It is now at the first reading stage in the working group. Ten articles were discussed in July and more were planned to be tackled in September.

PL&B plans EU Directive Workshops

Privacy Laws & Business will hold a series of workshops and in-house presentations, available anywhere, to explain the directive in detail. The programme gives participants an opportunity to:

1. *understand the content of the EU directive.* Participants may discuss the most significant impacts on their organisations
2. *plan changes required by the directive*
3. *influence government policy-making* by expressing their wishes about how the directive should be implemented in national law.

Please contact the PL&B office for further information.

Citibank's view of the EU Directive

Citibank has been active over the years in the discussion and framing of the directive. Realising that the adopted directive represents sound business practices that appeal to consumers, Citicorp - on its own - has implemented, or is in the process of implementing, what the directive requires. Citicorp makes it a point of internal compliance to adhere to national data protection laws as well.

The directive profoundly affects how companies collect, store, use and process personal information. It affects the transborder flow of such information. It affects whether and how companies and others make derivative or additional use of personal information collected for a certain purpose. The directive is a blueprint for how European and non-European governments will shape national legislation and regulation on the privacy and security of personal information. As such, the directive is a policy starting point for any company that handles personal information and has international ambitions.

For those companies that wish to be competitive in an era when personal privacy is an important consumer concern, the directive is a common-sense set of guidelines for meeting consumer expectations. And for those companies that prefer self-regulation over government regulation, the directive offers a baseline set of privacy principles for incorporation into corporate programs, customer contracts and vendor and inter-affiliate contracts.

This view was written by Michael Nugent, Citicorp's Vice-President and General Counsel for Technology and Intellectual Property, and is reproduced with permission from the newsletter, *Privacy & American Business*, Center for Social and Legal Research, 2, University Plaza, Suite 414, Hackensack, New Jersey, 07601, USA. Tel: + (1) 210 996 1154 Fax: + (1) 201 996 1883.