

Privacy Laws & Business

NEWSLETTER

data protection and privacy worldwide

No. 31

September 1995

The European Union's Data Protection Directive (PLB April '95 pp. 1-22) was adopted by the Council of Ministers on 24th July. After five year's discussion on three different versions of the directive, the Council of Budget Ministers finally adopted the directive without substantive discussion. The United Kingdom abstained.

The Council of Ministers accepted seven minor amendments adopted by the European Parliament. The most important is amendment 3 (Article 2d) which now specifically states that a data controller "alone or jointly with others" determines the purposes and means of processing personal data. The timetable for Member States' national legislation to implement the directive has now begun and must be completed within three years.

Prior to the adoption, there had been some discussion as to whether the Member States' declarations should be officially published. So far, they have not. Declarations are statements drawn up giving an interpretation of certain points. Some declarations are produced by one Member State unilaterally while others are common to several Member States. Their legal status is doubtful, as their purpose is to be used as a negotiating tool.

What happens now? EU Member States' governments will start the job of amending existing data protection legislation. In Italy and Greece, data protection legislation will have to be adopted for the first time. In Italy, a new bill was passed by the government to the legislature in April and it is expected to be adopted by year end. In Member States with existing legislation, there will be discussion between the appropriate government department and the national Data Protection Authority on how the legislation should be amended. The European Commission will monitor the implementation of the directive in national laws.

Privacy Laws & Business is planning a series of workshops to explain the directive and its impact (pp. 2,24).



Stewart Dresner, Publisher

in this issue

Continuing data protection activities in the EU	2
Citibank's view of the EU directive .	2
Hungary appoints Eastern Europe's first Data Protection Commissioner	3
French courts define criminal liability and impose fines and prison sentences for DP crime	8
The CNIL pursues a privacy protection path in the face of new technologies	11
<i>Privacy Laws & Business Newsletter</i> subscription form	12
Major changes ahead for data protection in Germany	13
Data protection news from Germany	16
UK registration to be revised	16
First private sector employee prosecuted by UK Registrar	17
New UK Registrar reassesses and strengthens privacy protection role	18
Bookends/New contact details ...	23
1995/6 conference calendar	24

Publisher: Stewart H Dresner
Privacy Laws & Business

Roxeth House, Shaftesbury Avenue, Harrow,
Middlesex, HA2 0PZ, United Kingdom.

Tel: 0181 423 1300 (UK) +(44) 181 423 1300 (Int)
Fax: 0181 423 4536 (UK) +(44) 181 423 4536 (Int)

Copyright ©1995 Privacy Laws & Business ISSN 0953-6795