



# PRIVACY LAWS & BUSINESS

DATA PROTECTION & PRIVACY INFORMATION WORLDWIDE

## Shell and Daimler-Chrysler explore new data transfer rules

A group of multinational corporations are working closely with European data protection commissioners to develop a new "corporate rules" scheme aimed at reducing the burden of transferring personal data from the EU. By **Stewart Dresner**.

The European Commission is supporting an assessment of a new legal approach to the transfers of data from the EU. The project was announced by Peter Hustinx, the Netherlands' Data Protection Commissioner, at the International Association of Privacy Professionals (IAPP) conference in Washington on February 27th.

The former chairman of the EU Article 29 Data Protection Working Party explained that a small number of global businesses, including Shell and Daimler-Chrysler, are exploring with data protection commissioners in the Netherlands and the United Kingdom (Shell) and Berlin (Daimler-Chrysler) respectively, how this new approach would work in practice.

The scheme is being discussed by the Working Party in April and June and could receive formal approval later this year. Once approved, an explanatory document would be posted on the Working Party section of the European Commission's website.

Dr Hansjürgen Garstka, Berlin's Commissioner for Data Protection and Freedom of Information, told *PL&B International* that he has

already approved the Daimler-Chrysler scheme. "Such a scheme is specifically provided for in Germany's data protection law and I am now exploring, together with the company, how it is working."

This approach builds on the foundation of the Working Party's earlier policy statements, such as its paper entitled *Transfers of personal data to third countries: Applying Articles 25 and 26 of the EU Data Protection Directive* (Working Party document 12) adopted under the chairmanship of Hustinx in 1998. It also builds on a more recent statement, made by European Commissioner Frits Bolkestein on

October 1st last year during a conference in Brussels to review the directive (*PL&B Int*, Nov 2002 p.6). He said then that the Commission favoured not only high, but also effective standards of data protection, "a more consistent application of the directive" across the EU, and the alleviation of any unnecessary administrative burdens.

Three of his priorities for the future are met by this new approach:

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The advantage of this new approach is that it is more closely aligned to what companies actually do, as opposed to a contract that is effectively imposed on them...

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