

Protection of **personal data** in the European Union



The protection of personal data is a fundamental right in the European Union.
"Everyone has the right to the protection of personal data concerning him or her" – Charter of Fundamental Rights of the European Union.

The personal information and data of individuals are processed in many aspects of everyday life – for example, opening a bank account, signing up for membership of a gym, booking a flight, issue of a credit card, registering for loyalty cards in shops, etc





What are personal data ?

'Personal data' relate to any personal information which can be used to identify you, directly or indirectly, such as your name, your telephone number, your email address, your place and date of birth, etc.



The European Legislation in Data Protection

- *Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 (the Data Protection Directive)* harmonises national laws which require high-quality data management practices on the part of the "data controllers" and the guarantees of a series of rights for individuals.
- *Directive 2002/58/EC on privacy and electronic communications* of 12 July 2002 guarantees the processing of personal data and the protection of privacy in the electronic communications sector.
- *Regulation 45/2001* on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data of 18 December 2000 regulates the processing of individuals' personal data when the processing is taking place by Community institutions and bodies.
- *Council Framework Decision 2008/977/JHA of 27 November 2008* on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters.

For further information, see also

http://ec.europa.eu/justice/policies/privacy/index_en.htm

"Data Protection" unit

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What are your rights ?

When your personal data are processed, you have enforceable rights, such as:

- The right to be informed that your personal data is being processed in a clear and understandable language;
- The right to have access to your own data;
- The right to rectify any wrong or incomplete information;
- The right, in some cases, to object to the processing on legitimate grounds;
- The right not to be subjected to an automated decision intended to evaluate certain personal aspects relating to you, such as your performance at work, creditworthiness, reliability, and conduct; and
- The right to receive compensation from the data controller for any damage you suffer, etc



What are a data controller's obligations ?

The obligations of a data controller (i.e. an entity either in the public or private sector which is responsible for processing personal data, for example, a medical practitioner, a company, a sports club, public administration, etc.) are the following:

- To ensure that your rights are observed (i.e. inform you, give access to your data);
- To ensure that data are collected only for specified, explicit and legitimate purposes, that they are kept accurate and up to date and for no longer than is necessary;
- To ensure that the criteria for making data-processing legitimate are observed, for example, when you give your consent, sign a contract, or have legal obligations, etc.;
- Confidentiality of the processing;
- Security of the processing;
- Notification to the data protection authority, in some cases; and
- To ensure that, when a transfer of data occurs to countries outside the EU, these countries guarantee an adequate level of protection.



What can you do if your rights are violated ?

You can file an application with the Data Protection Authorities (DPAs) established in all Member States. These authorities are responsible for ensuring that your rights and obligations are respected. They are also competent to hear your complaints and may prohibit the processing.

You have at your disposal a judicial remedy for any breach of the rights and obligations guaranteed by the national law.

The European Data Protection Supervisor is responsible for monitoring processing operations carried out by Community institutions or bodies.



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