

Effective enforcement of judgments in the EU: the transparency of debtors' assets

2008/2233(INI) - 22/09/2008 - Document attached to the procedure

OPINION OF THE EUROPEAN DATA PROTECTION SUPERVISOR on the Commission Green Paper on the Effective Enforcement of Judgements in the European Union: the Transparency of Debtors' Assets.

On 10 March 2008, the European Commission requested an opinion from the European Data Protection Supervisor on the Commission Green Paper. The Green Paper focuses on possible measures at EU level that can be adopted with a view to 'improve the transparency of the debtor's assets and the right of creditors to obtain information whilst respecting the principles for the protection of debtor's privacy' pursuant to the provisions of [Directive 95/46/EC](#). It analyzes in detail the current situation as well as a broad range of possible options to reach these objectives.

The EDPS welcomes the Green Paper and the broad consultation to which it has been submitted and recommends that:

- possible legislative actions stemming from the Green Paper should ensure that the processing of personal data carried out by the whole range of enforcement authorities is clearly based on at least one of the legal grounds laid down by Article 7 of Directive 95/46/EC, and in particular its letter (c) and/or (e);
- the proportionality principle is duly taken into account not only with regard to the data elements to be disclosed by the debtors, but also with regard to other aspects such as the period of time during which the data are stored and disclosed, the entities having access to data, and the modalities of disclosure;
- any measures on transparency of debtors' assets respect the purpose limitation principle and that any necessary exception would comply with the conditions laid down by Article 13 of Directive 95/46/EC;
- aspects concerning the provision of information to the debtors, the rights of data subjects, and the security of processing are duly taken into account.

The EDPS is available to provide informal comments on draft proposals arising from this Green Paper and expects to be consulted on any adopted legislative proposals pursuant to Article 28(2) of [Regulation \(EC\) No 45/2001](#).