

Citizens' initiative

2010/0074(COD) - 21/04/2010 - Document attached to the procedure

OPINION OF THE EUROPEAN DATA PROTECTION SUPERVISOR on the proposal for a Regulation of the European Parliament and of the Council on the citizens' initiative.

The proposal was sent to the EDPS on the same day as it was adopted. The EDPS was informally consulted prior to the adoption of the proposal. The EDPS welcomed this informal consultation and is pleased to see that most of his remarks have been taken into account in the final proposal.

In general, **the EDPS is satisfied** with the way in which the issue of data protection is addressed in the proposed Regulation. On a detailed level the EDPS has a few suggestions for adjustments. The EDPS is particularly pleased with Article 12 which is solely dedicated to data protection and which clarifies responsibilities and retention periods. The EDPS wishes to underline that full respect for data protection rules contributes considerably to the reliability, strength and success of this important new instrument. Although generally satisfied with the proposal, **the EDPS still sees room for further improvements.**

In order to further improve the proposal, the EDPS recommends that the legislator:

- amends Article 6 in such a way that the organiser is **obliged to request certification of the security of the online collection system** before he starts collecting the statements of support. In addition, such certification procedures should not constitute an unnecessary administrative burden for the organiser. The EDPS furthermore recommends clarifying the relation between the notification procedure of Article 18 of Directive 95/46/EC and the certification procedure of Article 6 of the proposed Regulation;
- assesses the necessity of the publication of the postal and e-mail address of the organiser of an initiative, and to clarify the text of Article 4 of the proposal (**registration of proposed initiatives**), should such publication be envisaged;
- deletes the request for the personal identification number and the non-mandatory information fields from the model form in Annex III;
- adds a **standard privacy statement** to the model form contained in Annex III which ensures compliance with Article 10 of Directive 95/46/EC;
- clarifies what is meant by the 'appropriate checks' in Article 9(2) which have to be performed by the competent authority when verifying the authenticity of statements of support;
- adds another paragraph to Article 12 ensuring that **personal data collected by the organiser is not used for any other purpose** than its indicated support of the given citizens' initiative and that data received by the competent authority is used only for the purpose of verifying the authenticity of statements of support for a given citizens' initiative.