Personal data protection: processing and free movement of data (General Data Protection Regulation)

2012/0011(COD) - 07/10/2013

The Council held an **in-depth discussion** on the present proposal.

To recall, the Commission presented in January 2012 a legislative package to modernise data protection rights. The package includes two legislative proposals:

- this draft regulation on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation), and

- a draft directive on protecting personal data processed for the purposes of prevention, detection, investigation or prosecution of criminal offences and related judicial activities.

The “one-stop-shop” principle, together with the consistency mechanism, is one of the central pillars of the Commission proposal. According to this principle, when the processing of personal data takes place in more than one Member State, there should be **one single supervisory authority responsible for monitoring the activities of the controller** or processor throughout the Union and taking the related decisions. The proposal states that the authority acting as such a one-stop-shop should be the supervisory authority of the Member State in which the controller or processor has its main establishment.

The Council expressed its support for the principle that, in important transnational cases, the regulation should establish a "one-stop-shop" mechanism in order to arrive at a single supervisory decision, which should be fast, ensure consistent application, provide legal certainty and reduce administrative burden. This is an important factor to enhance the cost-efficiency of the data protection rules for international business, thus contributing to the growth of the digital economy.

The **discussion focused on how to arrive at such a single decision**. A majority of Member States indicated that further expert work should continue based on a model in which a single supervisory decision is taken by the “main establishment” supervisory authority, while the exclusive jurisdiction of that authority might be limited to the exercise of certain powers. Some Member States expressed their preference for the codecision mechanism, while others preferred to avoid taking any position on this point, at this stage.

The Council indicated that the experts should explore methods for enhancing the “proximity” between individuals and the decision-making supervisory authority by involving the local supervisory authorities in the decision-making process. This proximity is an important aspect of the protection of individual rights.

Another important element for increasing the consistency of the application of EU data protection rules will be to explore which powers and what role could be assigned to the European Data Protection Board (EDPB).