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

2012/0011(COD) - 06/12/2013

The Council held an in-depth **discussion** on the proposal for a regulation setting out a general EU framework for data protection.

The discussion focused on the **one-stop-shop mechanism** in order to arrive at a single supervisory decision and related questions on **judicial review and judicial redress**.

The Council also 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.

However, during the discussions at expert level it was established that there are limits to guaranteeing proximity for data subjects while at the same time guaranteeing one-stop-shop supervision for businesses operating in the internal market. The need to reconcile these two important goals was the core issue in the debate.

The Presidency concluded that:

- there are different opinions as to whether the supervisory authority of the main establishment should be given limited exclusive powers to adopt corrective measures and that work should continue at technical level;
- it is important that the supervisory authorities cooperate in the enforcement of data protection rules;
- further work at technical level should include investigating the possibility of providing the European Data Protection Board in some cases with the power to adopt binding decisions regarding corrective measures.

Delegations are invited to indicate whether they agree that the main establishment authority, acting in close cooperation with local authorities, should, in addition to some exclusive authorisation powers, also be given certain exclusive powers to adopt corrective measures.

In case there would not be sufficient support for giving certain exclusive powers to adopt corrective measures to the main establishment authority, to indicate whether they think the power to decide on corrective measures should remain in the hands of the 'local' supervisory authorities in all cases or whether they could accept that in certain serious transnational cases the European Data Protection Board be given the power to adopt binding corrective measures.