Protection of personal data in the context of elections to the European Parliament

2018/0336(COD) - 27/03/2019 - Final act

PURPOSE: to prevent the misuse of personal data to influence elections to the European Parliament.

LEGISLATIVE ACT: Regulation (EU, Euratom) 2019/493 of the European Parliament and of the Council amending Regulation (EU, Euratom) No 1141/2014 as regards a verification procedure related to infringements of rules on the protection of personal data in the context of elections to the European Parliament.

CONTENT: recent events have demonstrated the potential risks associated with the illicit use of personal data in relation to electoral processes and democracy.

In order to ensure that elections to the European Parliament (EP) are conducted according to strict democratic rules and in full respect of the European values of democracy, the rule of law and respect for fundamental rights, this Regulation makes a targeted amendment to Regulation (EU, Euratom) No 1141/2014. It aims to allow financial sanctions on European political parties or foundations that have deliberately influenced or attempted to influence the outcome of elections to the European Parliament by taking advantage of an infringement of the applicable rules on protection of personal data.

Verification procedure

The Regulation stipulates that no European political party or European political foundation shall deliberately influence, or attempt to influence, the outcome of elections to the European Parliament by taking advantage of an infringement by a natural or legal person of the applicable rules on the protection of personal data.

If the Authority is informed of a decision of a national supervisory authority finding that a natural or legal person has infringed applicable rules on the protection of personal data, and if it follows from that decision, or if there are otherwise reasonable grounds to believe, that the infringement is linked to political activities by a European political party or a European political foundation in the context of elections to the European Parliament, the Authority shall refer this matter to the committee of independent eminent persons established by this Regulation.

Sanctions

Having regard to the committee's opinion, the Authority shall decide whether to impose financial sanctions on the European political party or European political foundation concerned. The decision of the Authority shall be duly reasoned, in particular with regard to the committee's opinion, and shall be published expeditiously.

When the Authority imposes a sanction on a European political party or foundation in accordance with the verification procedure, it shall take due account of the *ne bis in idem* principle, whereby sanctions cannot be imposed twice for the same offence. The Authority shall also ensure that the principle of legal certainty is respected and that the European political party or European political foundation concerned has been given the opportunity to be heard.

Where a decision of the national supervisory authority has been repealed, or where a remedy against such decision has been granted, provided that all national remedies have been exhausted, the Authority shall review any sanction imposed at the request of the European political party or European political foundation concerned.

ENTRY INTO FORCE: 27.3.2019.