Data protection of personal data (Directive 95/46 /EC). 1st report

2003/2153(INI) - 19/02/2004

The committee adopted the own-initiative report by Marco CAPPATO (IND, I) on the 1995 Data Protection Directive. The committee stated firmly that transfers of personal data to third country authorities without consent, such as in the case of the US authorities accessing transatlantic passenger data collected in the EU, seriously infringed EU data protection standards. It considered the progress made over a year of talks with the US on this question to be totally inadequate, and called for arrangements for data protection in such circumstances to be subject to approval by Parliament in the future. MEPs were critical of the length of time taken by the Member States to implement the directive, which required the Commission to take legal action against five states. They also regretted the continuing differences in the ways in which it was applied at national level, which had prevented economic operators from drawing the maximum benefit from it. These and other shortcomings should be addressed for the time being by cooperation between Member States, rather than by changes to the directive. However, the committee agreed with the Commission that if after 6 months this cooperation had not produced the desired results, the Commission should take Member States which failed or refused to comply with the directive to the Court of Justice. The report dealt with a number of other issues, such as the need to expand the protection offered by the directive to all areas of EU activity, including measures and bodies created under the 'third pillar', e.g. Europol and Eurojust. It also called on the Commission to continue to monitor the issue of video surveillance, "not least in the light of national judicial rulings". Lastly, the Member States and the Commission were urged to take steps to promote citizens' awareness in the field of data protection rights.