Electronic communications: processing of personal data, protection of privacy

2000/0189(COD) - 30/05/2002 - Text adopted by Parliament, 2nd reading

The European Parliament largely approved the compromise on the Directive on data protection that was worked out between the EPP-ED and the PES. There will be no conciliation procedure. It rejected the report by Marco CAPPATO (NI, Italy). On the contentious issue of data protection, it was agreed by Parliament that Member States may only lift the protection of data privacy in order to conduct criminal investigations or safeguard national or public security, when this is a necessary, appropriate and proportionate measure within a democratic society. In a recital, Parliament added that lawful interceptions of electronic communications should be subject to adequate safeguards in accordance with the European Convention on Human Rights and Fundamental Freedoms and with the rulings of the European Court of Human Rights. On spamming, Parliament accepted the Council's common position, thus approving an opt-in system for e-mail, faxes and automated calling systems, which means that users should give prior permission for receiving unsolicited electronic communications for marketing purposes. As regards "cookies", Parliament accepted the Council's common position that users should have the right to refuse them, specifying that users should be provided with clear and comprehensive information on their purposes. On the inclusion of personal data into public directories, Parliament again accepted the Council's common position, saying that users should give prior permission. Parliament has maintained the possibility for Member States to allow reverse search functions. Finally, the European Parliament asked for a review of the Directive within three years of its application.