Protection of personal data: adequacy of the US safe harbor privacy principles

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The European Parliament adopted the report drafted by Mrs Elena Ornella Paciotti (PES, I) on the Draft Commission Decision on the adequacy of the protection provided by the Safe Harbour Privacy Principles and related Frequently Asked Questions issued by the US Department of Commerce. The Parliament points out that the draft decision does not describe a situation currently in existence in the United States, but is based on a draft of the safe harbour principles (with the relevant explanations) which the US Department of Commerce will issue for the guidance of companies wishing to meet the adequate protection requirement of the Directve. Furthermore, the Parliament draws the Commission's attention to the risk that the exchange of letters between the Commission and the US Department of Commerce on the implementation of the 'safe harbour' principles could be interpreted by the European Union and/or United States judicial authorities as having the substance of an international agreement adopted in the breach of Article 300 of the Treaty establishing the European Community and the requirement to seek Parliament's assent. With regard to the monitoring of the of the principles, the Parliament insists on the importance on providing the best possible level of consumer protection and, and in this regard must ensure continuous monitoring of the safe harbour principles. It should be noted that the Parliament feels that the free movement of data cannot be authorised until the components of the safe harbour system are operational and the US authorities have informed the Commission that these conditions have been fulfilled. In addition, the Commission and the Member States are called upon: - to provide appropriate information for European citizens on the 'safe harbour', making clear that differences may continue to exist between the 'safe harbour' and European law as regards the processing of personal data; - to set up help-lines to the relevant national authorities and the Commission to deal with any practical difficulties encountered ; - to review the decision in good time in the light of experience and of any legislative developments.