Basic information

1990/0288(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Processing of personnal data and protection of privacy in the telecommunications sector, ISDN Repealed by 2000/0189(COD) **Subject** 1.20.09 Protection of privacy and data protection 3.30.03.04 Telecommunication networks	

Key players

European Parliament	**Former committee responsible**	**Former rapporteur**	**Appointed**
	JURI Legal Affairs, Citizens' Rights	MEDINA ORTEGA Manuel (PSE)	26/07/1994

Council of the European Union	**Council configuration**	**Meetings**	**Date**
	Agriculture and Fisheries	1946	1996-09-17
	Agriculture and Fisheries	1995	1997-03-19
	Telecommunications	1941	1996-06-27
	Telecommunications	2054	1997-12-01

Key events

Date	Event	Reference	Summary
24/09/1990	Legislative proposal published	COM(1990)0314	Summary
12/10/1990	Committee referral announced in Parliament, 1st reading		
10/02/1992	Debate in Parliament		
23/11/1993	Vote in committee, 1st reading		
16/06/1994	Modified legislative proposal published	COM(1994)0128	Summary
12/09/1996	Council position published	08937/1/1996	Summary
19/09/1996	Committee referral announced in Parliament, 2nd reading		
18/12/1996	Vote in committee, 2nd reading		Summary
18/12/1996	Committee recommendation tabled for plenary, 2nd reading	A4-0415/1996	

15/01/1997	Debate in Parliament		
19/03/1997	Parliament's amendments rejected by Council		
24/09/1997	Formal meeting of Conciliation Committee		Summary
05/11/1997	Final decision by Conciliation Committee		
06/11/1997	Joint text approved by Conciliation Committee co-chairs	3626/1997	
12/11/1997	Report tabled for plenary, 3rd reading	A4-0361/1997	
19/11/1997	Debate in Parliament		Summary
01/12/1997	Decision by Council, 3rd reading		
15/12/1997	Final act signed		
15/12/1997	End of procedure in Parliament		
30/01/1998	Final act published in Official Journal		

Technical information

Procedure reference	1990/0288(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Repealed by 2000/0189(COD)
Legal basis	EC Treaty (before Amsterdam) E 100A
Stage reached in procedure	Procedure completed
Committee dossier	CODE/4/08752

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Text adopted by Parliament, 1st reading/single reading		T3-0141/1992 OJ C 094 13.04.1992, p. 0077-0202	11/03/1992	Summary
Committee final report tabled for plenary, 1st reading /single reading		A3-0364/1993 OJ C 342 20.12.1993, p. 0002	23/11/1993	
Text adopted by Parliament confirming position adopted at 1st reading		T3-0681/1993 OJ C 342 20.12.1993, p. 0015-0030	02/12/1993	Summary
Committee recommendation tabled for plenary, 2nd reading		A4-0415/1996 OJ C 033 03.02.1997, p. 0023	18/12/1996	
Text adopted by Parliament, 2nd reading		T4-0011/1997 OJ C 033 03.02.1997, p. 0058-0078	16/01/1997	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A4-0361/1997 OJ C 371 08.12.1997, p. 0004	12/11/1997	

Text adopted by Parliament, 3rd reading		T4-0566/1997 OJ C 371 08.12.1997, p. 0164-0174	20/11/1997	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	08937/1/1996 OJ C 315 24.10.1996, p. 0030	12/09/1996	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1990)0314	24/09/1990	Summary
Reconsultation	COM(1993)0570	10/11/1993	
Modified legislative proposal	COM(1994)0128 OJ C 200 22.07.1994, p. 0004	16/06/1994	Summary
Commission communication on Council's position	SEC(1996)1605	12/09/1996	Summary
Commission opinion on Parliament's position at 2nd reading	COM(1997)0094	05/03/1997	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0569/1991 OJ C 159 17.06.1991, p. 0038	24/04/1991	
CSL/EP	Joint text approved by Conciliation Committee co-chairs	3626/1997	06/11/1997	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 1997/0066
OJ L 024 30.01.1998, p. 0001 Summary

Processing of personnal data and protection of privacy in the telecommunications sector, ISDN

1990/0288(COD) - 27/06/1996

The Council expressed its provisional agreement with the common position. The Portuguese delegation announced its intention to abstain from the final vote on the common position.

Processing of personnal data and protection of privacy in the telecommunications sector, ISDN

1990/0288(COD) - 16/01/1997 - Text adopted by Parliament, 2nd reading

In approving the recommendation for second reading by Mr Manuel MEDINA ORTEGA (PSE, E) Parliament amended the Council's common position on the proposal for a directive concerning the processing of personal data and the protection of privacy in the telecommunications sector. Parliament considered that the new text should also apply to the protection of the legitimate interests of the subscribers/legal persons and not only the natural persons. As the telecommunications networks and services are of a transnational nature the report gives an interpretation of the subsidiarity principle which limits the Member States' margin for manoeuvre. Several amendments have been adopted on these lines. Another significant amendment deletes the possibility for the Member States to allow operators to require a payment from subscribers if they do not wish their particulars to appear in a directory.

Processing of personnal data and protection of privacy in the telecommunications sector, ISDN

1990/0288(COD) - 16/06/1994 - Modified legislative proposal

This amended proposal was the result of Parliament's opinion and a new approach with regard to subsidiarity. It was thus greatly simplified in comparison to the initial proposal, avoiding the requirement for technical solutions from the Member States and enabling them greater flexibility in its implementation. Moreover, a clear distinction was made between the protection of subscribers and the protection of users, and provisions were included on legal recourse and the penalties applied in cases of violation of the directive. Finally, with a view to aligning the terminology with the text of the amended proposal on the protection of natural persons with regard to the processing of personal data and in order to ensure the free flow of this data, which supplemented this proposal, as well as to avoid any overlap, several provisions were redrafted or referred back to this text.

Processing of personnal data and protection of privacy in the telecommunications sector, ISDN

1990/0288(COD) - 12/09/1996 - Council position

The Council adopted its common position on the proposal for a Directive concerning the processing of personal data and the protection of privacy in the telecommunications sector, in particular in the integrated services digital networks (ISDN) and in the public digital mobile networks. The adoption of various new legislative acts over the past two years necessitated an alignment of the proposal for a Directive on the general Directive on the protection of personal data (Directive 95/46/EC) and influenced the incorporation of the amendments adopted by Parliament: - the scope of the Directive is reduced and only covers public telecommunications services; - the definitions have been amended so as to be better adapted to the new realities of the market, in which concepts such as 'telecommunications organizations' and 'exclusive and special rights' are no longer current; - certain requirements of the Directive have been amended so that their implementation should not depend on a specific technology, in order to achieve the maximum scope; - the Article on directories of subscribers has been retained and supplemented by two new options. Also, the right to be omitted from the directory may now be departed from. Whilst dealing with the fundamental rights of natural persons, and in particular their right to privacy, the common position also aims at protecting the legitimate interests of legal persons. Its provisions include: - security of services and networks; - confidentiality of communications; - traffic and billing data (revised to take account of the general Directive); - the right to receive non-itemized bills; - presentation and restriction of calling and connected line identification; - automatic call-forwarding; - personal data contained in directories of subscribers; - unsolicited calls for purposes of direct marketing. The time limit for transposition of the Directive would be the same as for the general Directive on the protection of personal data, i.e. 24 October 1998.

Processing of personnal data and protection of privacy in the telecommunications sector, ISDN

1990/0288(COD) - 11/03/1992 - Text adopted by Parliament, 1st reading/single reading

Processing of personnal data and protection of privacy in the telecommunications sector, ISDN

1990/0288(COD) - 12/09/1996 - Commission communication on Council's position

The Commission considered that the Council's work resulted in a useful contribution to its proposal and that, overall, the amendments were positive. It therefore supported the common position.

Processing of personnal data and protection of privacy in the telecommunications sector, ISDN

1990/0288(COD) - 02/12/1993

In its first reading under the codecision procedure, the European Parliament confirmed its vote of 11 March 1992.

Processing of personnal data and protection of privacy in the telecommunications sector, ISDN

1990/0288(COD) - 20/11/1997 - Text adopted by Parliament, 3rd reading

In adopting the report by Mr Manuel MEDINA ORTEGA (PSE, E), the European Parliament has approved the joint draft of the Conciliation Committee on the processing of personal data and the protection of privacy in the telecommunications sector. The agreement covers telephone tapping and makes provision for guaranteeing the confidentiality of communications whilst ensuring that public order and national security are not jeopardized. It has also been agreed that operators should not charge subscribers for omitting them from the directory, with the exception of administrative costs actually incurred. Finally, there is agreement on the degree of protection that must be offered to all subscribers with regard to unsolicited calls such as those made for the purpose of direct marketing.

Processing of personnal data and protection of privacy in the telecommunications sector, ISDN

1990/0288(COD) - 05/03/1997 - Commission opinion on Parliament's position at 2nd reading

The Commission accepted 7 of the 11 amendments adopted by the European Parliament at second reading and amended its proposal accordingly. These amendments seek to: - simplify the title of the directive; - emphasize certain aspects of subsidiarity; - insert a new recital on cooperation between all the parties concerned in order to ensure that the technologies required to implement the guarantees offered by the directive are available; - emphasize that no recourse may be taken to the committee procedure for fundamental changes to the categories of data in the Annex to the directive; - abolish the possibility for operators to require a payment from subscribers for omitting them from the directory. However, the Commission was unable to accept the amendments relating to: - the introduction of the concept of the "user's right to information" (possibility, for the Member States, not to apply the article on directories to legal persons); - unsolicited calls.

Processing of personnal data and protection of privacy in the telecommunications sector, ISDN

1990/0288(COD) - 15/12/1997 - Final act

OBJECTIVE: to protect persons and in particular their privacy in respect of the processing of personal data in the telecommunications sector. COMMUNITY MEASURE: European Parliament and Council Directive 97/66/EC concerning the processing of personal data and the protection of privacy in the telecommunications sector. CONTENT: the Directive applies to the processing of personal data in the public telecommunications sector, in particular in the integrated services digital networks (ISDN) and in the public digital mobile networks. It conforms with the General Directive on the protection of personal data (Directive 95/46/EC). The Direction covers phone tapping and provides for measures to guarantee the confidentiality of communications, while at the same time ensuring that public order and national security are not compromised. Beyond the basic rights of natural persons and in particular their right to respect of privacy, the Directive also seeks to protect the legitimate interests of legal persons. The Directive relates mainly to: - the security of services and networks; - the confidentiality of communications; - data on communications traffic and billing; - the right to receive non-itemised bills; - the presentation and restriction of calling and connected line identification; - automatic call-forwarding; - personal data contained in directors of subscribers: subscribers who ask not to be included in a telephone directory can only be invoiced for the administrative charges actually incurred; - unsolicited calls for purposes of direct marketing: these are only authorised when the subscriber has given prior consent. DEADLINE FOR TRANSPOSITION: 24/10/1998.

Processing of personnal data and protection of privacy in the telecommunications sector, ISDN

1990/0288(COD) - 24/09/1990 - Legislative proposal

This draft directive seeks to ensure an equivalent level of protection of privacy for individuals throughout the EU. It involves the processing of personal data by telecommunications organizations in the context of public digital telecommunications networks in the Community. This may only be used for specific telecommunications purposes. Subscribers have the right to know which personal data are stored, to have the data corrected or deleted and to prevent this data from being divulged without authorization. Many of the provisions relate to detailed invoicing, the right to anonymity, the protection of subscribers from unsolicited calls and the protection of subscribers to teleshopping and video-tex lines from unauthorized use of their personal data.