



A Modern European Data Protection Framework

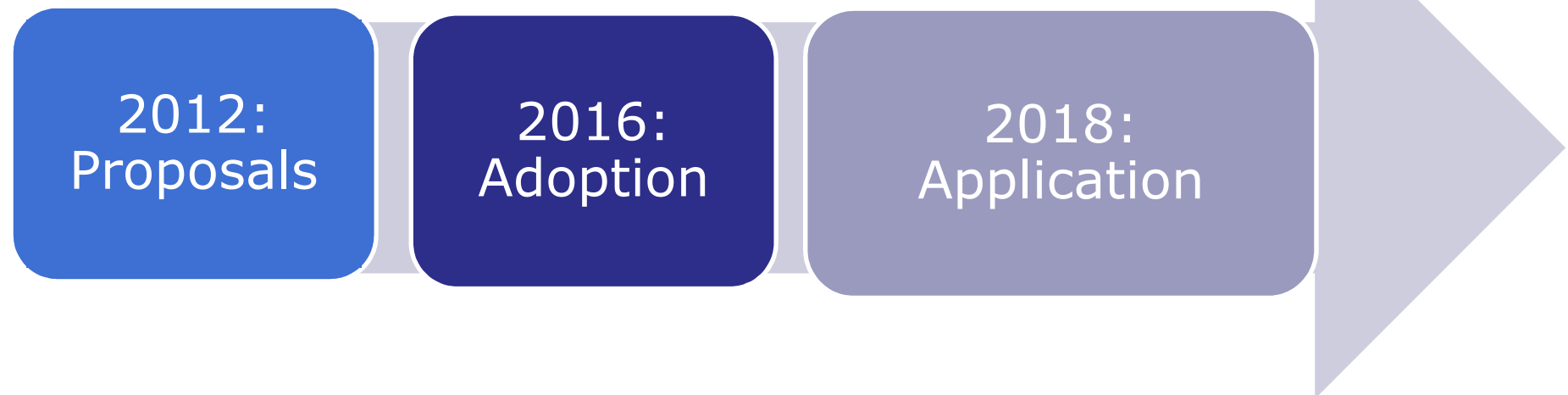
Safeguarding Privacy in a Connected World

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The Data Protection Reform Package

- General Data Protection Regulation (Regulation 2016/679)
- Directive in the field of police and criminal justice cooperation ("Police Directive" 2016/680)





Why a new European framework for Data Protection?

- **Technology developments and globalisation:** addressing the challenges and seizing the opportunities of the digital economy, the trust deficit
- **Constitutionalisation of the fundamental right to data protection** (Lisbon Treaty)
- **Fragmentation of legislative framework** (different transposition of Directive 95/46/EC into national laws)





Main objectives and major changes

RULES FIT FOR THE DIGITAL SINGLE MARKET (a harmonised and simplified framework)

One single set of rules, "one-stop-shop" mechanism, cutting red tape ...

PUTTING INDIVIDUALS IN CONTROL OF THEIR DATA (an updated set of rights and obligations)

Enhancing transparency, clarifying the conditions for consent, notification of data breaches, right to data portability, right to be forgotten, risk-based approach...

A MODERN DATA PROTECTION GOVERNANCE

Stronger national DPAs, consistency mechanism for cross-border cases, establishment of a European Data Protection Board to ensure consistent application of the Regulation, credible sanctions...





A harmonised and simplified framework

- **One single set of data protection rules for the EU** (Regulation)
- **One interlocutor** (one-stop-shop) **and one interpretation** (consistency mechanism)
- **Creating a level playing field** (geographical scope)
- **Cutting red tape** (abolishment of most prior notification and authorisation requirement), including as regards international transfers





Updating rights and obligations

Stronger rights, clearer obligations, **more trust**

- **Evolution rather than revolution: basic architecture and core principles are maintained**
- **Putting individuals in better control of their data** (e.g. consent to be given by clear affirmative action, clarification of conditions for compatible further processing, better information about data processing)...
- **...including through the introduction of new rights** (e.g. right to portability) and **obligations** (e.g. data breach notification)
- Obligations graduated in function of the nature and potential risks of processing operations (**risk-based approach**)



A MODERN GOVERNANCE SYSTEM

- **Better equipped DPAs and better cooperation amongst them** (e.g. joint investigations)
- **A new decision-making process for cross-border cases (the consistency mechanism)**
- The creation of the **European Data Protection Board (guidance and dispute settlement)**
- **Credible and proportionate sanctions** (2/4% of global turnover in light of nature, duration, gravity etc. of the violation)





INTERNATIONAL TRANSFERS OF PERSONAL DATA

ADDRESSING THE CHALLENGE OF GLOBALISATION

- In today's globalised world, personal data is being transferred across an increasing number of borders and stored on servers in multiple countries
- These transfers have to be facilitated
- At the same time continuity of protection of individuals' rights must be ensured

HOW IS THIS SECURED?

- Clear rules defining when EU law is applicable to data controllers established in third countries
- Criteria for adequacy decisions
- Simplification (abolishment of notification/prior authorisation) and expansion of use of other tools for transfers (standard contractual clauses, binding corporate rules)
- Introduction of new tools (certification mechanisms, codes of conduct, non-binding arrangements etc.)
- International cooperation in the field of data protection



THE TRANSITION PERIOD AND BEYOND

- GDPR will apply from **25 May 2018**
- Preparing a **compliance-ready/friendly environment**: “We need to use this time well to get everybody, i.e. Member States, DPAs, citizens and companies to prepare for the new rules. The Commission will work closely with the Member States, data protection authorities and other stakeholders to ensure a uniform application of the rules. We will also run awareness-raising campaigns so that citizens know their new rights” (Commissioner V. Jourová)
- **Aligning other legislative instruments** (ePrivacy Directive, Regulation 45/2001...)
- Central role of **DPAs** (Art. 29 WP/EDPB), see *Art. 29 WP 2016 Action Plan* (guidelines on notion of high risk, DPO, right to portability, calculation of fines...)
- Close dialogue with **Member States** on national implementation
- Commission’s **implementing and delegated acts**
- **Market-driven instruments**: codes of conduct, certification mechanisms, data protection seals etc.
- A **stakeholders process** was launched in July 2016



**THANK YOU VERY MUCH FOR YOUR
ATTENTION!**

Questions, comments?

