

Police should not be exempt from privacy rules, says EU data chief

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By Benjamin Fox BRUSSELS

EU data protection chief Peter Hustinx has warned governments not to water down new rules on data protection by excluding police and law authorities from the scope saying that such steps would be "inappropriate."

The EU Data Protection Supervisor (EDPS) was speaking Wednesday (20 June) at a press conference following the presentation of the European Data Protection Supervisor's annual report to MEPs on the European Parliament's civil liberties committee. In his opening statement, Hustinx said that his office was keen to deliver "protection that works and protection in practice".

While praising the attempts to re-write the EU's data protection rules, tabled in January by EU Justice Commissioner Viviane Reding, as "an enormous step forward", Hustinx maintained that the references to law enforcement agencies should remain in the text describing it as "one of the few positive things in a rather weak directive."

Meanwhile, the EDPS report describes including police and justice authorities in the legislation as "a *conditio sine qua non* (without which there is nothing) for effective data protection".

Although MEPs are anxious to ensure that the new data protection rules cover government agencies as well as businesses, it is understood that a number of member states are keen to remove law enforcement authorities from the scope of the directive, regarding this as an exclusively national competence.

Last week the UK became the latest member state to write domestic legislation aimed at increasing the access of law enforcement authorities to intercept personal data from emails and text messages, launching a new Communications Bill in the House of Commons.

The EDPS insists that MEPs and ministers should build on the Commission proposal by increasing the legal responsibility of organisations to protect personal data. It wants the data protection directive, which only sets out minimum harmonisation standards, to be scrapped and replaced with a binding regulation.

The new rules also include the concept of "a right to be forgotten" giving individuals the right to demand the deletion of their data by companies. The EDPS wants this provision to be kept and safeguarded in the package.

Jan Albrecht, the German Green MEP charged with drafting Parliament's position on the regulation, is expected to circulate a working paper to MEPs in the civil liberties committee before the parliamentary recess starts in mid-July. The move is part of a long timetable which is expected to lead to an agreement between MEPs and ministers in summer 2013.