

EU Data Privacy 2012 – Focus on Cloud Computing, eHealth and Financial Services

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On 12 January 2012, the European Data Protection Supervisor (EDPS) published his 2012 strategy paper. Privacy and data protection is becoming increasingly important in all areas of EU policy. The EDPS believes he will therefore have an increasingly important role in 2012 and expects accordingly to publish more opinions.

The EDPS is committed to devoting substantial resources over 2012 to four areas of strategic importance: the new legal framework for data protection; technological developments and the digital agenda; freedom, security and justice; and financial sector reform.

The New Legal Framework for Data Protection

With the publication of the draft General Data Protection Regulation expected in the first quarter of 2012 (possibly 25 January), the review process of the new EU data protection legislative framework has now reached a critical point. The EDPS intends to issue an opinion on the legislative proposal once the proposal is published, and intervene when appropriate throughout the year in line with his advisory role.

Technological Developments and The Digital Agenda

The EU Commission has proposed to undertake significant work in relation to new technologies and the information society. In line with this, the EDPS will focus on specific policy issues, including internet monitoring and takedown procedures; the pan-European framework for identification, authentication, and signature; cloud computing services; and e-health. In these areas, the EDPS will seek to balance IP rights with privacy, address jurisdictional issues regarding international dataflows, and consider issues of e-security and privacy by design.

Freedom, Security, and Justice

The Commission has a number of freedom, security, and justice initiatives underway for 2012. Among topics covering immigration and anti-terrorism, the EDPS will focus on negotiating data protection agreements with non-European Economic Area countries, with the aim of ensuring adequacy of personal data protection. The EDPS will also focus on the use of geo-localisation data when used to monitor individuals and consider the regulatory requirements needed to balance the use of such data with the fundamental rights to privacy of the individual.

Financial Sector Reform

The economic crisis that began in 2008 has given rise to a comprehensive overhaul of financial regulation and supervision. The EDPS has a real concern regarding the increased powers granted to supervisory authorities in relation to access to data traffic and the inspection of premises, and the impact this may have on data protection issues.

In 2012, the EDPS intends to issue a package of opinions on legislative proposals covering the banking sector and focusing on the regulation of market abuse, the control of the market in financial instruments, and the regulation of credit agencies.

In his role as a legislative advisor, the EDPS is likely to publish an increasing number of opinions during the year relating to the areas he has said he will target. When it becomes necessary from a social or technological perspective, the EDPS has stated that he will also publish guidelines to ensure that data protection and privacy remains a core legislative consideration across all sectors in the European Union over the coming 12 months.

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