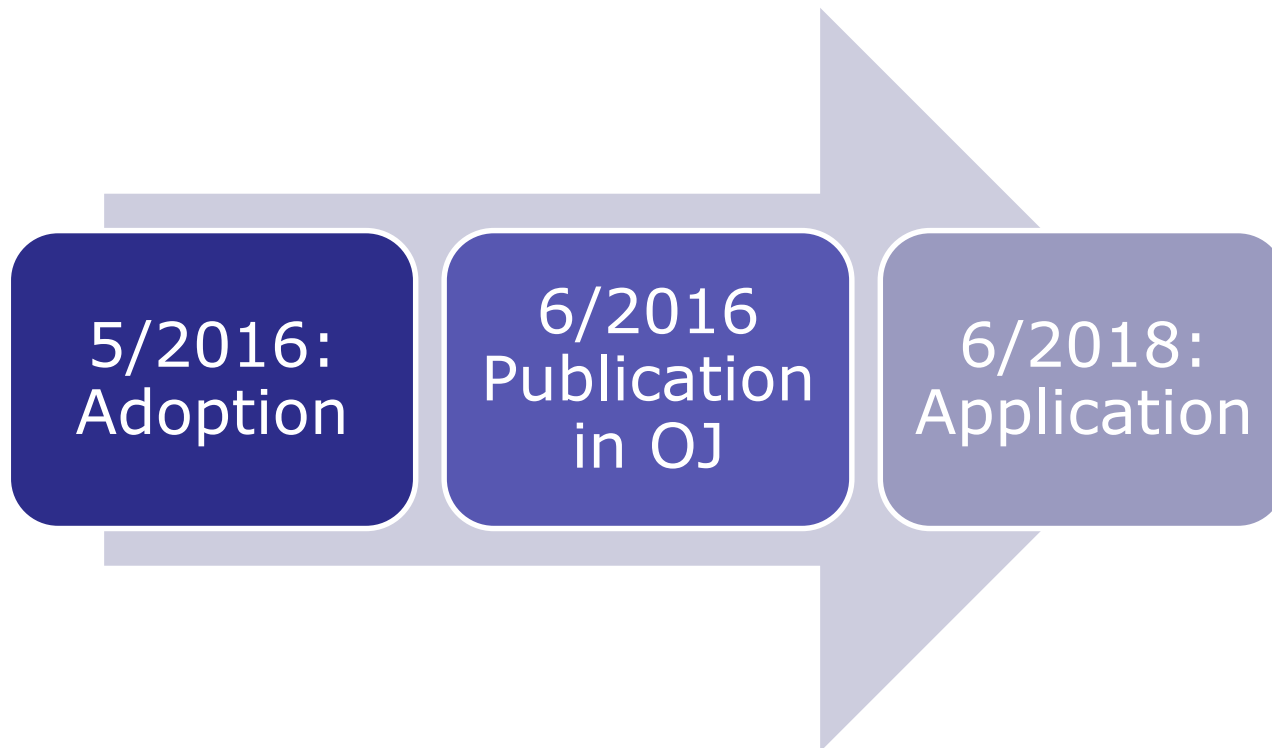




The reform of the data protection legislation

European Consumer Consultative Group
13 April 2014

Timetable for the EU data protection reform



**KEEP
CALM
AND**

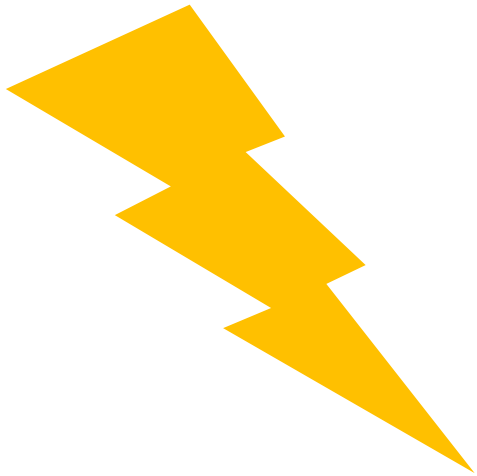
**PREPARE FOR
THE GDPR**

Some things remain ...



- *'Personal data'*
- *Controller*
- *Processor*
- *Data subject*
- *Supervisory authority*
- *...*

Some things change...



- *Accountability*
- *Processor obligations*
- *Data portability*
- *Fines*
- *EU consistency*
- *...*



Ensuring individuals' rights & enhancing consumers trust

"The controller shall take appropriate measures to provide any information referred to in Articles 13 and 14 and any communication under Articles 15 to 22 and 34 relating to processing to the data subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language, in particular for any information addressed specifically to a child. (...)"

Transparent information, communication and modalities for the exercise of the rights of the data subject
Article 12(1) GDPR



Controllers and processors: towards a new compliance model

"Taking into account the nature, scope, context and purposes of processing as well as the risks of varying likelihood and severity for the rights and freedoms of natural persons, the controller shall implement appropriate technical and organisational measures to ensure and to be able to demonstrate that processing is performed in accordance with this Regulation. Those measures shall be reviewed and updated where necessary."

Responsibility of the controller
Article 24 GDPR



Harmonised governance & strengthened enforcement

1. Without prejudice to Article 55, the supervisory authority of the main establishment or of the single establishment of the controller or processor shall be competent to act as lead supervisory authority for the cross-border processing carried out by that controller or processor in accordance with the procedure provided in Article 60.

2. By derogation from paragraph 1, each supervisory authority shall be competent to handle a complaint lodged with it or a possible infringement of this Regulation, if the subject matter relates only to an establishment in its Member State or substantially affects data subjects only in its Member State.

Competence of the lead supervisory authority
Article 56 GDPR

Consumer associations

Article 80 Representation of data subjects

- 1. The data subject shall have the right to mandate a not-for-profit body, organisation or association which has been properly constituted in accordance with the law of a Member State, has statutory objectives which are in the public interest, and is active in the field of the protection of data subjects' rights and freedoms with regard to the protection of their personal data to lodge the complaint on his or her behalf, to exercise the rights referred to in Articles 77, 78 and 79 on his or her behalf, and to exercise the right to receive compensation referred to in Article 82 on his or her behalf where provided for by Member State law.*
- 2. **Member States** may provide that **any body, organisation or association referred to in paragraph 1 of this Article**, independently of a data subject's mandate, has the right to lodge, in that Member State, a complaint with the supervisory authority which is competent pursuant to Article 77 and to exercise the rights referred to in Articles 78 and 79 if it considers that the rights of a data subject under this Regulation have been infringed as a result of the processing.*



More information

- *European Commission:*
http://ec.europa.eu/justice/data-protection/index_en.htm
- *Article 29 Working Party:*
http://ec.europa.eu/justice/data-protection/article-29/index_en.htm



Thomas Zerdick, LL.M.

Deputy Head of Unit "Data protection"
Directorate-General Justice and Consumers
European Commission

thomas.zerdick@ec.europa.eu

http://ec.europa.eu/justice/data-protection/index_en.htm