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**Peter Schaar on the new proposals from the European Parliament:  
The European data protection reform must be completed rapidly**

The Federal Commissioner for Data Protection and Freedom of Information, Peter Schaar, regards the proposals of the Committee on Civil Liberties, Justice and Home Affairs (LIBE) of the European Parliament as an important signal. By this, the reform of European data protection law has been taken one important step further.

Peter Schaar: "I hope that the governments of the 28 EU Member States represented in the Council conceive this as an opportunity to decide rapidly the reform of data protection. The Federal Chancellor should make the success of the reform a top priority!"

According to the Federal Data Protection Commissioner the proposals of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament include numerous positive elements that stand out, above all, from the proposals so far discussed in the Council:

- Data transfers to foreign authorities and courts of justice should be allowed only on the basis of agreements on legal assistance or international agreements with full transparency towards the data protection authorities. This would significantly strengthen data protection, for example, vis-à-vis foreign intelligence services.
- Consent, as a means of expressing the right to informational self-determination, should continue to play a central role when it comes to processing personal data. Unlike it has been discussed in the Council, only consent explicitly given shall be effective. It should not be allowed to make access to services or performance of

contracts dependent on the data subjects' consent to data processing for completely different purposes.

- Data subjects should be able to exercise their rights more easily by informing them in a simple and standardized way on the processing of their personal data.
- Everyone should, on principle, have the right to object to the creation of a profile in which his or her personality is assessed by automated data processing.
- Good data protection must be supported by effective sanctions, too. The LIBE Committee proposes a differentiated system of sanctions allowing appropriate reactions to insignificant, minor violations as well as to serious violations for which a fine of up to five percent of the annual turnover can be provided.
- The LIBE Committee retains the mandatory appointment of data protection officers in public authorities and in private companies; a practice with which Germany has gained very good experience. All companies whose data processing evokes special risks should have to appoint a data protection officer.

At its meeting yesterday, the LIBE Committee of the European Parliament had voted on the mandate of the competent rapporteur for the General Data Protection Regulation as regards the entering into negotiations with the Council of the European Union. The proposed amendments relate to a Draft submitted by the European Commission in January 2012 (COM (2012) 11 final), which is intended to replace a European Data Protection Directive 95/46/EC from 1995.

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