



Information Commissioner's Office
Promoting public access to official information
and protecting your personal information

Press Release

For immediate release

12 May 2009

Making European data protection law fit for the 21st century

The Information Commissioner's Office (ICO) is today publishing the review of the strengths and weaknesses of the EU Data Protection Directive which it commissioned from RAND Europe. The [RAND study](#) concludes that, in an increasingly global, networked environment, the Directive will not suffice in the long term.

The ICO commissioned RAND Europe to conduct the study amid growing fears that the current European Directive is out-dated and too bureaucratic. The report acknowledges that the Directive has helped to harmonise data protection rules across the European Union and has provided an international reference model for good practice. However, the report also says that the Directive is often seen as burdensome and too prescriptive, and may not sufficiently address the risks to individuals' personal information. Among its recommendations, the report proposes that:

- the law should be clear about the outcomes it seeks;
- there should be stronger focus on the accountability of all organisations for safeguarding the information they handle;
- a more strategic approach to enforcement is needed; and
- improved arrangements are needed for the export of personal data outside the European area.

Richard Thomas, Information Commissioner, said: "The Directive is showing its age. Modern approaches to regulation mean that laws must concentrate on the real risks that people face in the modern world, must avoid unnecessary burdens, and must

work well in practice. Data protection law also needs to recognise that society as a whole suffers where the improper use of personal information results in unwarranted intrusion into private lives or excessive governmental or organisational power. Massive technological advances, global trade and the need for personal information to cross international borders all signal the need for the law to evolve. Organisations must embed privacy by design and data protection must become a top level corporate governance issue.

“Data protection is too important to be left to data protection specialists talking to each other. 21st century themes for regulating the privacy and integrity of personal information involve greater emphasis on trust, confidence, and transparency. Safeguarding personal information has become a major reputational issue for businesses and governments. They must be held accountable if things go wrong.

“This study is not meant to be an immediate blueprint for a new Directive. But we are hoping that its recommendations will stimulate debate and to encourage people to think about what 21st century data protection law should look like.”

A copy of the full report carried out by RAND Europe can be found on the ICO’s website at

http://www.ico.gov.uk/upload/documents/library/data_protection/detailed_specialist_guides/review_of_eu_dp_directive.pdf

A report summary is also available on the ICO’s website at

http://www.ico.gov.uk/upload/documents/library/data_protection/detailed_specialist_guides/review_of_eu_dp_directive_summary.pdf

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If you need more information, please contact the ICO press office on 020 7025 7580 or visit the website at: www.ico.gov.uk

Notes to Editors

1. The Information Commissioner's Office promotes public access to official information and protects personal information. The ICO is the UK's independent influential and practical authority on information rights and responsibilities, making a difference to people.
2. The ICO has specific responsibilities set out in the Data Protection Act 1998, the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Privacy and Electronic Communications Regulations 2003.
3. The ICO is publishing the study ahead of the European Commission's conference on "Personal data - More use, More protection?" which is taking place in Brussels on 19-20 May: (http://ec.europa.eu/justice_home/news/events/conference_dp_2009/press_release_en.pdf)
4. RAND Europe is an independent not-for-profit research organisation whose mission is to help improve policy and decision making through research and analysis. They undertake objective, relevant research and analysis to create solutions that are both effective and enduring. Their research is carried out on behalf of public and private clients, foundations and international organisations. RAND Europe is part of the global RAND Corporation (the name is derived from a contraction of the term 'research and development').

For more information see www.rand.org/randeuropa or contact Lynne Saylor on +44(0)1223 353329

5. For more information about the Information Commissioner's Office subscribe to our e-newsletter at www.ico.gov.uk
6. Anyone who processes personal information must comply with eight principles, which make sure that personal information is:
 - Fairly and lawfully processed
 - Processed for limited purposes
 - Adequate, relevant and not excessive
 - Accurate and up to date
 - Not kept for longer than is necessary
 - Processed in line with your rights
 - Secure
 - Not transferred to other countries without adequate protection