European Parliament/Council of the European Union: Agreement on the Directive Concerning the Protection of Personal Data

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The conciliation procedure begun between the European Parliament and the Council of the European Union has made it possible to reach an agreement concerning the Directive on the processing of data of a personal nature and the protection of privacy. The two stumbling blocks, concerning the right to not be included in the telephone directory and financial transactions made by telephone, appear to have been overcome. The aim pursued by the Community institutions is to institute protection of the privacy of Community nationals at a very high level to deal with the constant developments in telecommunications networks by guaranteeing the confidentiality of this type of communication; this guarantee means prohibiting listening to, intercepting or recording messages. However, there are three types of exception. The first covers imperative reasons of public security, defence or crime prevention; the second concerns the consent of users to such practices, and the third covers recordings legally authorised for the purpose of constituting proof of professional, financial or commercial relations concluded or undertaken in this way. An appendix to the text of the Directive also lists the types of data which may be handled. Data of any other type must specifically be erased at the end of the communication. The new Directive complements the general Directive on the protection of personal data adopted in 1995 and is aimed at greater harmonisation of national legislation in this area in order to eliminate barriers to a single market for telecommunications services and equipment. Once the Member States reach a consensus the Parliament and the Council will have six weeks to confirm the agreement. IRIS will keep you informed of any significant developments.

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