Committee of Ministers: Recommendation on the Protection of Personal Data in the Area of Telecommunication Services

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On 7 February 1995, the Committee of Ministers of the Council of Europe adopted a Recommendation on the protection of personal data in the area of telecommunication services, with particular reference to telephone services.

In their Recommendation, the Ministers recommend the Council of Europe's thirtyfour Member States to apply the principles set out in an Appendix to the Recommendation, to network operators and service providers, who, for the accomplishment of their functions collect and process personal data and process these automatically.

The principles in the Appendix relate to the respect for privacy, the collection and processing of data, the communication of data, rights of access and rectification and security measures to prevent unauthorised interference with, or interception of, communications. For communication of data to third parties, the principles follow the opt-in system: communication of personal data should not take place, unless the subscriber to a network or a service has been given in writing his express and informed consent and the information communicated does not make it possible to identify called parties.

However, subscriber lists which contain personal data may also be communicated by network operators and service providers to third parties if the subscriber has been informed of the intended communication and has not objected, or the data protection authoriy has authorised the communication, or communication is provided for under domestic law.

Recommendation No R (95)4 of the Committee of Ministers to the member States on the protection of personal data in the area of telecommunication services, with particular reference to telephone services, 7 February 1995 together with Explanatory Memorandum.

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