

E U R O P E A N E C O N O M I C A R E A
F O R U M O F L O C A L A N D R E G I O N A L A U T H O R I T I E S

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SIXTH MEETING OF THE EEA EFTA FORUM

Brussels
26 – 27 November 2012

Opinion on the data protection reform

Rapporteur: Nils Amund Røhne

The EEA EFTA Forum of Local and Regional Authorities:

- A. Having regard to the Annex XI of the EEA Agreement on electronic communication, audiovisual services and information society;
 - B. Noting the reinforced subsidiarity principle set out in the Lisbon Treaty and its explicit reference to the local and regional dimension and self-government;
 - C. Noting the proportionality principle as laid down in the Treaty of the Functioning of the European Union;
 - D. Noting the role of the Forum as a body in the EFTA structure;
 - E. Acknowledging the impact of EU law on local and regional authorities in the EEA EFTA States through the EEA Agreement;
 - F. Having regard to the Commission's proposal of 25 January 2012 on personal data protection: processing and free movement of data (General Data Protection Regulation), 2012/0011(COD);
 - G. Having regard to the Opinion of the Committee of the Regions of 10 October 2012 on the Data Protection Package;
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- 1. Welcomes reforms of data protection legislation, as advances in information technology have fundamentally changed the use of personal data;

2. Underlines that ensuring a high level of data protection for personal data is important to increase legitimacy and trust in local and regional authorities both as service providers and employers;
3. Calls for a directive instead of a regulation for the public sector, in line with the principle of subsidiarity, as the arguments for a regulation instead of a directive do not apply to the public sector;
4. Is concerned over the number of delegated acts listed in the proposed regulation, granting the Commission extensive powers to decide on details;
5. Points out that the commercial challenges the proposal addresses do not apply to the public sector. Local and regional authorities do not gather and use personal data for the same reasons as the private sector. Both local and regional authorities, as well as the private sector, have an obligation to treat personal data in an ethical manner. But the private sector often uses data for commercial purposes, and often has a goal to maximise profit, which can open for inappropriate use;
6. Notes that the proposed regulation would result in increased administrative burdens and costs for local and regional authorities; without demonstrably enhancing data protection; and
7. Is convinced that the proposal is too far-reaching in describing how local and regional authorities are to organise data protection, e.g. provisions on data protection officers, thus infringing the right to self-government. We ask for more emphasis on subsidiarity.