



**00265/10/EN
WP 170**

Work programme 2010 – 2011

Adopted on 15 February 2010

This Working Party was set up under Article 29 of Directive 95/46/EC. It is an independent European advisory body on data protection and privacy. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC.

The secretariat is provided by Directorate D (Fundamental Rights and Citizenship) of the European Commission, Directorate General Justice, Freedom and Security, B-1049 Brussels, Belgium, Office No LX-46 01/190.

Website: http://ec.europa.eu/justice_home/fsj/privacy/index_en.htm

Work programme 2010 – 2011

Tasks

The Working Party was set up under Article 29 of Directive 95/46/EC and its tasks are to (Art. 30.1):

- (a) examine any question covering the application of the national measures adopted under this Directive in order to contribute to the uniform application of such measures;
- (b) give the Commission an opinion on the level of protection in the Community and in third countries;
- (c) advise the Commission on any proposed amendment of this Directive, on any additional or specific measures to safeguard the rights and freedoms of natural persons with regard to the processing of personal data and on any other proposed Community measures affecting such rights and freedoms; and
- (d) give an opinion on codes of conduct drawn up at Community level.

These tasks also apply with regard to the electronic communications sector (Art. 15.3 of Directive 2002/58/EC).

Activities for 2010-2011

The Working Party's goal for the 2010-2011 period is not only to ensure a coherent and correct application of the current legal framework but also to prepare for the future. Challenges such as new technological developments and addressing issues of globalisation and also institutional changes due to the Lisbon Treaty will need to be addressed.

The Working Party aims to clarify and strengthen the roles of all actors in the field of data protection; data subjects, data controllers and Data Protection Authorities. The Working Party also aims to ensure that the principle of privacy by design is embedded in all areas, which may entail addressing new actors as well

The Working Party will also address its own effectiveness and further improve its working methods, in close cooperation with the Secretariat. The Working Party will furthermore increase its interaction with other institutions and organisations.

In view of the challenges above, the Working Party intends to concentrate on four main strategic themes and a few topical issues which it finds most relevant and urgent for the development of data protection:

- I) Implementing the Directive and preparing a future comprehensive legal framework
- II) Addressing globalisation
- III) Responding to technological challenges
- IV) Making the Article 29 Working Party and Data Protection Authorities more effective
- V) Topical issues

Apart from this, the Working Party remains available for requests for opinions received from the Commission and any other unforeseen issues. In particular, the Working Party will be ready to advise the Commission in areas related to the future of privacy, for example, by elaborating on issues related to privacy by design, accountability or strengthening the role of data subjects.

These issues can be interconnected at different levels and will therefore be addressed in ways the Working Party finds most appropriate. The Working Party will regularly monitor the implementation of this work programme and reserves the right to further specify or update it, where necessary.

Methodology

Under the four main strategic themes chosen (from I to IV), specific strategic choices have been made (such as BCR, cloud computing, enforcement). Besides the chosen priorities, ongoing work has been indicated in the work programme which relates to the four strategic themes and which needs to be continued (such as adequacy, search engines, financial matters). These choices are the result of the priorities as indicated by the members of the Working Party.

I - Ensuring the correct implementation of the current legal framework and preparing for the future

- * Interpreting key provisions of Directive 95/46/EC (controller/processor, applicable law, purpose limitation and grounds for processing)
- * Implementation of the revised e-Privacy Directive
- * Assessing the consequences of the Lisbon Treaty

This item includes work on the follow-up of issues regarding the future of privacy.

II - Addressing globalisation

- * Developing BCR
- * Participating in work on standardisation (e.g. ISO)
- * Following up on the International Standards (Madrid Declaration)
- * Participating in the review of the OECD guidelines

This item includes work on: Safe Harbor
Adequacy of third countries

III - Technological challenges

- * Cloud computing
- * Profiling (including behavioural advertising)

This item includes work on: Search engines and the right to be forgotten
Social network sites
RFID Privacy Impact Assessment (PIA)

IV - Making DPAs and the WP29 more effective

- * Reflecting on the role of WP29
- * Enhancing enforcement (developing and improving methodology for investigations, harmonising powers of Data Protection Authorities and promoting international cooperation between privacy authorities)

V - Sectoral issues:

- * Financial matters
- * Traveller data
- * Update of WP80 (biometrics)
- * Possibly: Update of WP73 (egovernment and ID management)[to be decided in view of further development]

Done at Brussels, on 15 February 2010

*For the Working Party
The Chairman
Jacob KOHNSTAMM*