COMMUNICATION

from: Presidency

to: Internal Market Council

Subject: Protection of individuals in relation to the processing of personal data and information security

I. General

On 27 July 1990, the Commission submitted to the Council six documents on the above subject, including:

- a proposal for a Council Directive on the protection of individuals in relation to the processing of personal data (SYN 287);

- a proposal for a Council Directive concerning the protection of personal data and privacy in the one text of public digital telecommunications networks, in particular the integrated services digital network (ISDN) and public digital mobile networks (SYN 288);

- a proposal for a Council Decision in the field of information security.

The first proposal for a Directive (the "framework Directive") is designed to harmonize the laws, regulations and administrative provisions of the Member States on the protection of individuals in relation to the processing of personal data, in order to ensure free movement of personal data within the Community. The three documents not listed above are related to that proposal.
The second proposal for a Directive is designed to flesh out and supplement the framework Directive in the field of telecommunications using digital networks.

The last proposal provides for a Community action plan in the field of information security.

On 17 September 1990, the Internal Market Council held an initial discussion on these proposals.

The proposals are still under discussion at the European Parliament. The Economic and Social Committee delivered its Opinion on 24 April 1991.

II. Discussions in the Working Party on Economic Questions

The Working Party on Economic Questions (Data Protection) gave priority under the Netherlands Presidency to continuing with discussions on the framework Directive and the proposal on information security.

At the meetings on 23 and 24 July, 19 September and 7 and 8 October 1991, the Working Party completed the first reading of the proposal for a framework Directive. Particular attention was paid to Chapter VIII on the transfer of personal data to third countries.

After completing the first reading of the framework Directive, the Working Party gave precedence to discussion of some key issues in the Directive, particularly as regards the structure and content of Chapters II and III on the lawfulness of processing in the public and private sectors.

Such discussion took place at the meetings on 12 and 13 November and on 12 and 13 December 1991, on the basis of a working document from the Working Party's Chairman.

A central issue here was how to strike the right balance between the envisaged Community measures and national legislation in this field. Discussions also addressed the relationship between substantive principles and the various methods of ensuring their application.

At the Working Party's request, the Legal Service gave an opinion in writing on the legal bases for the proposal for a framework Directive. This point will need to be discussed in more detail by the Working Party.
At the meeting on 20 September 1991, discussion of the proposal on information security was virtually completed. Further progress here depends on the European Parliament's Opinion.

The incoming Portuguese Presidency stated at the meeting on 12 and 13 December 1991 that it attached equal importance to this dossier and that it would endeavour to see that the Working Party continued to meet with the same frequency. The Working Party noted this and recorded its agreement.

III. Proposed conclusion

Pending the continuation of the Working Party's proceedings, it will suffice to take note of this communication.