LEGISLATIVE RESOLUTION
(Cooperation procedure: first reading)

embodying the opinion of the European Parliament on the proposal from the Commission to the Council for a directive concerning the protection of individuals in relation to the processing of personal data

The European Parliament,
— having regard to the Commission proposal to the Council (COM(90) 0314 — SYN 287) (1),
— having been consulted by the Council pursuant to Article 100A of the EEC Treaty (C3-0323/90),
— having regard to the report of the Committee on Legal Affairs and Citizens’ Rights and the opinions of the Committee on Economic and Monetary Affairs and Industrial Policy, the Committee on Energy, Research and Technology, the Committee on Budgets and the Committee on the Environment, Public Health and Consumer Protection (A3-0010/92),

1. Approves the Commission proposal subject to Parliament’s amendments and in accordance with the vote thereon;
2. Calls on the Commission to amend its proposal accordingly, pursuant to Article 149(3) of the EEC Treaty;
3. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
4. Instructs its President to forward this opinion to the Council and Commission.

(1) OJ No C 277, 5.11.1990, p. 3.

Proposal for a directive II COM(90) 0314 — C3-0324/90 — SYN 288

Proposal for a Council directive concerning the protection of personal data and privacy in the context of public digital telecommunications networks, in particular the integrated services digital network (ISDN) and public digital mobile networks

Approved with the following amendments:

Text proposed by the Commission of the European Communities (*)

Proposal for a Council directive concerning the protection of personal data and privacy in the context of public digital telecommunications networks, in particular the integrated services digital network (ISDN) and public digital mobile networks

Text amended by the European Parliament

Proposal for a Council directive concerning the protection of personal data and privacy in the context of public and private digital telecommunications networks, in particular the integrated services digital network (ISDN) and public and private digital mobile networks and public and private value added services

Recital (21a) (new)

(21a) Whereas the provisions contained in this directive will have to be put into practice, whereas Member States, industries concerned and the Community institutions will cooperate in developing and manufacturing the relevant technologies necessary to implement controls mentioned below and to enforce law;

Article 2(2a) (new)

2a. 'special or exclusive rights' means the rights granted by a Member State or a public authority to one or more public or private bodies through any legal, regulatory or administrative instrument reserving them the right to provide a service or undertake an activity;

Article 2(2b) (new)

2b. 'service providers' means those natural or legal persons providing services whose provision consists wholly or partly in the transmission and routing of signals on a public telecommunications network, with the exception of radio broadcasting and television;

Article 4(1), second subparagraph (new)

Personal data contained in a directory should be limited to what is strictly necessary to identify a particular subscriber, unless the subscriber requests additional personal data to be published. The subscriber shall be entitled not to have his or her sex indicated and to be omitted from the directory at his or her request, free of charge.

Article 4(2)

2. The telecommunications organization shall not use such data to set up electronic profiles of the subscribers or classifications of individual subscribers by category.
(Amendment No 102)

Article 5(2)

2. The contents of the information transmitted must not be stored by the telecommunications organization after the end of the transmission, except where required by obligations imposed by the law of the Member State, in conformity with Community law.

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(Amendment No 103)

Article 9(1)

1. Billing data containing the telephone number or identification of the subscriber station, the address of the subscriber and the type of station, the total number of units to be charged for the accounting period, the called telephone number, the type and duration of the calls made and/or the data volume transmitted as well as other information needed for billing such as advance payment, payment by instalments, disconnection and reminders, may be stored and processed.

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(Amendment No 104)

Article 10

Traffic data other than billing data may be collected, stored and processed after termination of the call on condition that the data is depersonalized within the meaning of Article 2(b) of Council Directive ... concerning the protection of individuals in relation to the processing of personal data, unless the data is required for other legitimate purposes within the meaning of Article 4.

1. Traffic data containing the personal data necessary to establish calls, or required for billing or other operational purposes, such as the telephone number of the calling and of the called subscriber, the time each call started and finished and the telecommunications service used by the subscriber, may be collected, stored and processed as far as this is necessary to provide the telecommunications service required.

Traffic data other than billing data may be collected, stored and processed after termination of the call on condition that the data is depersonalized within the meaning of Article 2(b) of Council Directive ... concerning the protection of individuals in relation to the processing of personal data, unless the data is required for other legitimate purposes within the meaning of Article 4.

2. The traffic data stored in the switching centres of the telecommunications organization must be erased after termination of the call unless the data are anonymized or are required for billing or other legitimate purposes in the meaning of Article 4.

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2. The traffic data stored in the switching centres of the telecommunications organization must be erased after termination of the call unless the data are anonymized or are required for billing or other legitimate purposes in the meaning of Article 4.

(Amendment No 105)

Article 14(1)

1. Calls may be forwarded from the called subscriber to a third party only if this party has agreed; the third
party may limit automatic forwarding to those calls which identify the calling subscriber's number; the third party must be informed via a specific signal of the message that the call has been forwarded.

(Amendment No 106)

Article 16

1. The telecommunications organization must ensure that the telephone number as well as other personal data of the subscriber, in particular concerning the quantity and nature of his/her orders when using a teleshopping service or concerning the information requested via a videotex service, is stored only to the extent strictly necessary to supply the service and is only used by the service provider for purposes authorized by this subscriber.

2. Subject to the provisions of Article 20, the service provider may not set up electronic profiles of the subscribers or classifications of individual subscribers by category, without their prior consent.

(Amendment No 107)

Article 19

1. The provisions of this directive relating to the telephone service shall be applied to other public digital telecommunications services to the extent that these services present similar risks for the privacy of the user.

2. The measures necessary for the implementation of paragraph 1 shall be adopted by the Commission after consultation of the Working Party referred to in Article 22 and in accordance with the procedure laid down in Article 23.

(Amendment No 108)

Article 20

To the extent that the full achievement of the objectives of this directive requires the application of its provisions to service providers other than telecommunications organizations, the Commission may adopt the measures necessary for the application of this directive to those service providers after consultation of the Working Party referred to in Article 22 and in accordance with the procedure laid down in Article 23.