OUTCOME OF PROCEEDINGS
of: Working Party on Economic Questions (Data Protection)
on: 11 November 1993

No. prev. doc.: 9713/93 ECO 241
No. Cion. prop.: 9400/92 ECO 221 - COM(92) 422 final

Subject: Amended proposal for a Council Directive on the protection of individuals with regard to the processing of personal data and on the free movement of such data

At its meeting on 11 November 1993, dealing with special categories of data, the Working Party arrived at the results set out below with regard to Article 8(1), (2)(a) and (aa) and (4).
"Article 8

The processing of special categories of data

1. Member States shall prohibit the processing of data revealing racial or ethnic original, political opinions, religious beliefs, philosophical or ethical persuasion or trade-union membership, and of data concerning health, sexual life or criminal proceedings.

[Member States may extend this prohibition to other categories of sensitive personal data.] (1)

2. Paragraph 1 shall not apply where:

   (a) the data subject has given his express consent to the processing of those data, except where the laws of the Member State provide that the prohibition referred to in paragraph 1 may not be waived by the data subject giving his consent, or

   (aa) processing is carried out in the vital interests of the data subject or of a third party. (2)

4. Centralized records of criminal convictions may be kept only by judicial and law enforcement authorities. Member States may, however, lay down exemptions by means

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(1) Most delegations were in favour of special arrangements for medical data and so the deletion of "health" in paragraph 1 was envisaged; however, P/NL were opposed to this.

(2) The subparagraph in square brackets, proposed by D/DK/IRL/UK, was supported by GR/NL; however, it met with the strongest reservations on the apart of B/L/F and the Commission.

(3) Scrutiny reservations by D/L.
of a legislative provision which shall specify suitable safeguards. Data concerning the parties to a lawsuit processed by those parties themselves or by their lawyers shall not be regarded as records of criminal convictions. (4)"

(4) The Working Party agreed in principle to the wording put forward by the Presidency, the drafting of which might, if necessary, be improved.