



EUROPEAN DATA
PROTECTION SUPERVISOR

European Data Protection Supervisor

The EU Data Protection Reform Package

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An ambitious approach: The Framework

- Regulation, directly applicable
- Public & private sector
- Outside scope: police & justice (specific directive)
- Consolidation + strengthening principles & rights
- ‘Accountability’ for controllers
- Extraterritorial effects



An ambitious approach II: Enforcement

- Oversight mechanism:
 - strong DPAs, cooperation between DPAs and European Data Protection Board
 - Lead DPA
 - Consistency mechanism
- Strong sanctions and remedies
 - Wide choices data subject
 - Redress for interest groups
 - Sanctions up to 1 mln Euro/2% turnover



Ambitious approach III: Centralisation?

- The criticism, in Member States: EU-centralisation
- National legislation needs repealed
- Strong role Commission: implemented/delegated acts
- Consistency mechanism, possible interventions Commission.



Employment context

- Delegated acts (Art 82; Rec 129)
- Consent (Rec 34; Art 7): No consent when significant imbalance
- Article 9: special categories of personal data, exception
- Article 82 + Rec 124: specific laws Member States allowed, “within the limits of this Regulation”
- EDPS-Opinion: is exception needed?

ISSUE 1: Relation Regulation – National law

- Regulation is not “minimum”-regulation.
- In principle: no additions allowed under national law.
- Art 82: “within the limits of the Regulation”
- EDPS-opinion: “Without prejudice”:
clarification needed, also for other sectors
than employment



ISSUE 2: Enforcement in employment sector

- “One stop shop”, main establishment of controller
- Does this have consequences for employees of multinationals?
- Right to lodge complaint guaranteed (Art 73), but what DPA investigates?
- Enforcement of specific rules under 82.
- Who?



Forum for discussion

- Happy to discuss in academic context
- First conclusions on subsidiarity are drawn.
Too early
- There is good reason for regulation, in information society
- Harmonisation, internal market
- Challenge is: too embed this in national context, with e.g. diverging labour laws



- THANK YOU
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