

**Workshop “Solutions for eGovernment” - Florence, 31 October 2007**

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# Overcoming Barriers in the field of Privacy and Data Protection

*EC Project “Breaking Barriers to eGovernment”*

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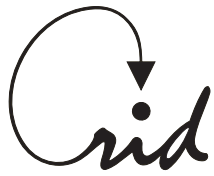
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EU Modinis Study “Breaking Barriers to eGovernment” : [<http://www.egovbarriers.org>](http://www.egovbarriers.org)





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### Barriers identified in the field of Privacy and Data Protection (1)

(Source: Deliverable 1b: A legal and institutional analysis of barriers to eGovernment, Dec. 2006)

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#### ✓ Leadership failures :

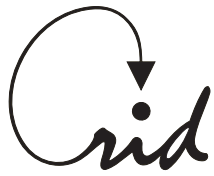
- Existence of **too many actors** at different levels **without a common « data protection culture »** or shared guidelines

#### ✓ Financial inhibitors:

- The respect of data protection rules could lead to **higher costs** for the implementation **of good security systems**

#### ✓ Digital divides and choices:

- There is **no harmonised legal framework** about personal identifiers, such as PINs, or other technical choices



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### Barriers identified in the field of Privacy and Data Protection (2)

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#### ✓ **Poor coordination:**

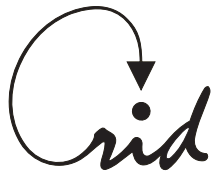
- **problems of sharing data** between public bodies and **cross-border transfers**
- need to follow the **transparency principle**

#### ✓ **Workplace and organizational (in)flexibility:**

- importance to **raise the awareness of public bodies** about privacy's risks in the **new ‘network model’ of public governance**

#### ✓ **Lack of trust:**

- need to increase the users/citizens confidence **about security and privacy safeguards and controls** provided by public bodies
- fear of an **intrusive ‘Big Brother’ State**



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## Overcoming Barriers in the field of Privacy and Data Protection: recommended solutions

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**There are different levels of action to overcome barriers:**

✓ **At the European level:**

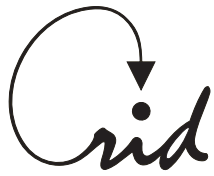
- Actions by the **European Commission**
- Actions by **Article 29 Data Protection Working Party**

✓ **At the Member States’ level:**

- Actions by **National Supervisory Authorities (NSAs)**
- Actions by **governments, local authorities**

✓ **At all levels:** commitment of **all stakeholders**

*(Source: Deliverable 3: Solutions for eGovernment, Sept. 2007)*



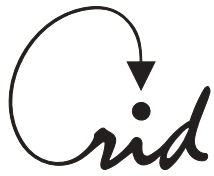
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recommended solutions (1)

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✓ **Actions by the European Commission:**

- Can undertake actions against Member States for non-compliance with Directive 95/46/EC
- Can refer the case to the Court of Justice of the European Communities
- Can appeal to Article 29 Data Protection Working Party for the harmonization of practices and processes by means of NSAs



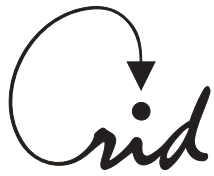
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recommended solutions (2)

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✓ **Actions by Article 29 Data Protection Working Party:**

- Should update Working Papers and clarify important issues about data protection and privacy (as the use of PINs, RFID,...) within the specific framework of eGovernment
- Should develop specific harmonized European « common guidelines » or « interpretative communications »



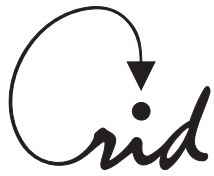
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recommended solutions (3)

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✓ **Actions by National Supervisory Authorities (NSAs) :**

- Should provide greater assistance to national governments in the implementation of national plans, e.g. by means of specific « working papers »/ « opinions » taking up the work done within Article 29 WP
- Should encourage and provide « data protection training days » with all relevant stakeholders at different levels (national, regional, local, addressed to particular groups, etc)



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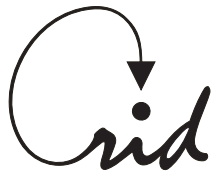
### Overcoming Barriers in the field of Privacy and Data Protection: recommended solutions (4)

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#### ✓ **Actions by governments, local authorities:**

- Should **give effective independence and powers to NSAs** to monitor national data protection practices (e.g. by more financial support) !
- Should **harmonize national data protection legislations** to be more compliant with Directive 95/46/EC and with Article 29 WP « common lines »
- Should provide **clear guidance to public officials** about data protection duties and liabilities (**creation of Data Protection Officers (DPOs)** within all relevant authorities)
- Should **facilitate the use of Privacy Enhancing Technologies (PETs)**
- Should **assess the value and risks linked with the use of PINs**





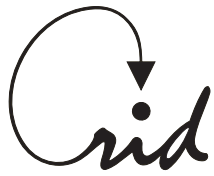
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recommended solutions (5)

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✓ **Actions by all concerned stakeholders:**

- Should increase the awareness of data protection issues by all concerned actors by **implementing awareness-raising policies with educational goal** (by traditional and digital means)
- Should provide **clear information to data subjects/citizens** about their rights (information, access, rectification,...)
- Should **increase the principle of transparency about data flows** at all levels (national, cross-border,...) in order to guarantee the effectiveness of data protection and to improve trust in public services



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**Thank you for your attention!**

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