

## DATA PROTECTION/GENERAL DOCUMENTS

Treaty on European Union

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:321E:0001:0331:EN:PDF>

EC Treaty

[http://62.62.70.12/home/treaties/pdf/ec\\_treaty\\_en.pdf](http://62.62.70.12/home/treaties/pdf/ec_treaty_en.pdf)

EU Charter of Fundamental Rights

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2000:364:0001:0022:EN:PDF>

European Convention on Human Rights

<http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/EnglishAnglais.pdf>

CoE Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data

<http://conventions.coe.int/Treaty/en/Treaties/Html/108.htm>

Amendments to the convention for the Protection of Individuals with regard to Automatic Processing of Personal Data

<http://conventions.coe.int/Treaty/en/Treaties/Html/108-1.htm>

Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (data protection directive)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995L0046:EN:HTML>

Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (e-privacy directive)

[http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:201:0037:0047:EN:PDF)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:201:0037:0047:EN:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:201:0037:0047:EN:PDF)

Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC (data retention directive)

[http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:105:0054:0063:EN:PDF)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:105:0054:0063:EN:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:105:0054:0063:EN:PDF)

Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:350:0060:01:EN:HTML>

Regulation (EC) 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:008:0001:0022:EN:PDF>

## **INTERCEPTION OF COMMUNICATION AND DATA RETENTION**

### **Documents:**

Directive 97/66/EC of the European Parliament and of the Council of 15 December 1997 concerning the processing of personal data and the protection of privacy in the telecommunications sector

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1998:024:0001:0008:EN:PDF>

Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:108:0007:0020:EN:PDF>

Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:108:0021:0032:EN:PDF>

Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:108:0033:0050:EN:PDF>

Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:108:0051:0077:EN:PDF>

Recommendation no. r (95) 4 of the Committee of Ministers of the Council of Europe to Member States on the protection of personal data in the area of telecommunication services, with particular reference to telephone services

[http://www.coe.int/t/e/legal\\_affairs/legal\\_co-operation/data\\_protection/documents/international%20legal%20instruments/1Rec\(95\)4\\_EN.pdf](http://www.coe.int/t/e/legal_affairs/legal_co-operation/data_protection/documents/international%20legal%20instruments/1Rec(95)4_EN.pdf)

### Opinions:

Working Party 29 Opinion n. 1/2009 on the proposals amending Directive 2002/58/EC on privacy and electronic communications (e-Privacy Directive)

[http://ec.europa.eu/justice\\_home/fsj/privacy/docs/wpdocs/2009/wp159\\_en.pdf](http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/2009/wp159_en.pdf)

Working Party 29 Opinion n. 2/2008 on the review of the Directive 2002/58/EC on privacy and electronic communications (ePrivacy Directive)

[http://ec.europa.eu/justice\\_home/fsj/privacy/docs/wpdocs/2008/wp150\\_en.pdf](http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/2008/wp150_en.pdf)

Working Party 29 Opinion n. 1/2008 on data protection issues related to search engines

[http://ec.europa.eu/justice\\_home/fsj/privacy/docs/wpdocs/2008/wp148\\_en.pdf](http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/2008/wp148_en.pdf)

Working Party 29 Opinion n. 8/2006 on the review of the regulatory Framework for Electronic Communications and Services, with focus on the ePrivacy Directive

[http://ec.europa.eu/justice\\_home/fsj/privacy/docs/wpdocs/2006/wp126\\_en.pdf](http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/2006/wp126_en.pdf)

Working Party 29 Opinion n. 3/2006 on the Directive 2006/24/EC of the European Parliament and of the Council on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC

[http://ec.europa.eu/justice\\_home/fsj/privacy/docs/wpdocs/2006/wp119\\_en.pdf](http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/2006/wp119_en.pdf)

Working Party 29 Opinion n. 2/2006 on privacy issues related to the provision of email screening services

[http://ec.europa.eu/justice\\_home/fsj/privacy/docs/wpdocs/2006/wp118\\_en.pdf](http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/2006/wp118_en.pdf)

Case law:

ECJ/C-301/06: Judgment of the Court (Grand Chamber) of 10 February 2009, Ireland v Parliament and Council (Action for annulment - Directive 2006/24/EC - Retention of data generated or processed in connection with the provision of electronic communications services - Choice of legal basis)

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en>

ECJ/C-275/06: Judgment of the Court (Grand Chamber) of 29 January 2008 (Reference for a preliminary ruling from the Juzgado de lo Mercantil No 5 de Madrid – Spain) – Productores de Música de España (Promusicae) v Telefónica de España SAU (Information society – Obligations of providers of services – Retention and disclosure of certain traffic data – Obligation of disclosure – Limits – Protection of the confidentiality of electronic communications – Compatibility with the protection of copyright and related rights – Right to effective protection of intellectual property)

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en>

Case of Klass and others v. Germany, (*Application no. 5029/71*), ECHR Judgment, 6 September 1978: (art. 8 ECHR-legislation on surveillance measures-necessity of the interference in a democratic society/tapping of telephone conversations)

<http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=Klass%20%7C%208&sessionid=24881857&skin=hudoc-en>

Case of Malone v. UK, (*Application no. 8691/79*), ECHR Judgment, 2 August 1984: (art. 8 ECHR-restrictions of the right to respect for private life-law governing surveillance measures/ tapping of telephone conversations, metering)

<http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=Malone%20%7C%208&sessionid=24880514&skin=hudoc-en>

Case of Kruslin v France, (*Application no. 11801/85*), ECHR Judgment, 24 April 1990:(art. 8 ECHR-restrictions of the right to respect for private life -law governing surveillance measures/ tapping of telephone conversations)

<http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=Kruslin%20%7C%208&sessionid=24881193&skin=hudoc-en>

Case of Huvig v France, (*Application no. 11105/84*), ECHR Judgment, 24 April 1990: (art. 8 ECHR-restrictions of the right to respect for private life -law governing surveillance measures/ tapping of telephone conversations)

<http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=Huvig%20%7C%208&sessionid=24881335&skin=hudoc-en> 1990

Case of Weber and Saravia v Germany, (*Application no. 54934/00*), ECHR Decision as to the admissibility, 29 June 2006: (art. 8 ECHR-restrictions of the right to respect for private life- law governing surveillance measures-necessity of the interference in a democratic society/tapping telephone conversations)

<http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=Weber%20%7C%20Saravia%20%7C%20Germany%20%7C%208&sessionid=24880257&skin=hudoc-en>

Case of Copland v. UK, (*Application no. 62617/00*), ECHR Judgment, 3 April 2007: (art. 8 ECHR-restrictions of the right to respect for private life-law governing surveillance measures/monitoring of telephone, e-mail, internet usage)

<http://www.bailii.org/eu/cases/ECHR/2007/253.html>

Case of the Association for European Integration and Human rights and Ekimdzhiev v. Bulgaria, (*Application no. 62540/00*), ECHR, Judgment, 28 June 2007 (art. 8 ECHR-restrictions of the right to respect for private life-law governing surveillance measures/use of special means of surveillance, technical devices which can be used for creating photographs, audio and video recordings and marked objects, as well as the method for operating them)

<http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=Ekimdzhiev%20%7C%20Bulgaria%20%7C%208&sessionid=24880999&skin=hudoc-en>

Case of Liberty and others v. UK, (*Application no. 58243/00*), ECHR Judgment, 1 July 2008: (art. 8 ECHR-restrictions of the right to respect for private life-law governing surveillance measures/interception of communication)

<http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=Liberty&sessionid=24894582&skin=hudoc-en>

Case of K.U. v. Finland, (*Application no. 2872/02*), ECHR Judgment, 2 December 2008: (art. 8 ECHR-confidentiality of communications/internet-restriction of the right to privacy for prevention of crime and protection of the rights of others)

<http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=K.U.%20%7C%208&sessionid=24879189&skin=hudoc-en>

Case of Iordachi and others v. Moldova, (*Application no. 25198/02*), Judgment, 10 February 2009: (art. 8 ECHR, right to respect for private life, law governing surveillance measures/tapping of telephone conversations)

<http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=Iordachi&sessionid=24879373&skin=hudoc-en>

Case of Bykov v. Russia, (*Application no. 4378/02*), ECHR (Grand Chamber) Judgment, 10 March 2009: (art. 8 ECHR, restrictions of the right to respect for private life, law governing surveillance measures/interception or recording of private communications through a radio-transmitting device)

<http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=Bykov%20%7C%208&sessionid=24880706&skin=hudoc-en>

Case of Kvasnica v. Slovakia, (*Application no. 72094/01*), ECHR Judgment, 9 June 2009: (art.8 ECHR-restrictions of the right to respect for private life-“in accordance with the law” “necessity requirements”/telephone tapping)

<http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=Kvasnica%20%7C%20Slovakia%20%7C%208&sessionid=24890655&skin=hudoc-en>

### Articles/ speeches:

Article by the European Data Protection Supervisor: Hustinx, P., "The Surveillance society: trends and implications for data protection", article published in *Challenge Europe*, Issue 18, "Is Big Brother watching you - and who is watching Big Brother?", December 2008, European Policy Centre, p. 28-33

[http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/EDPS/Publications/Speeches/2008/08-12-16\\_Surveillance\\_society\\_EN.pdf](http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/EDPS/Publications/Speeches/2008/08-12-16_Surveillance_society_EN.pdf)

Speech by the European Data Protection Supervisor: "Strategic challenges for data protection in Europe", speech delivered by Peter Hustinx at the 9th Data Protection Conference, Berlin

[http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/EDPS/Publications/Speeches/2008/08-05-06\\_Speech\\_Berlin\\_EN.pdf](http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/EDPS/Publications/Speeches/2008/08-05-06_Speech_Berlin_EN.pdf)

Paper by the The European Data Protection Supervisor: EDPS and EU Research and Technological Development, 28 April 2008

[http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/EDPS/Publications/Papers/PolicyP/08-04-28\\_PP\\_RTD\\_EN.pdf](http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/EDPS/Publications/Papers/PolicyP/08-04-28_PP_RTD_EN.pdf)

## DATA PROTECTION IN THE INFORMATION SOCIETY

### Documents:

Declaration on human rights and the rule of law in the Information Society adopted by the Committee of Ministers of the Council of Europe on 13 May 2005

[https://wcd.coe.int/ViewDoc.jsp?Ref=CM\(2005\)56&Language=lanEnglish&Ver=final&Site=COE&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75](https://wcd.coe.int/ViewDoc.jsp?Ref=CM(2005)56&Language=lanEnglish&Ver=final&Site=COE&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75)

Recommendation No. R (99) 5 of the Committee of Ministers of the Council of Europe to Member States for the protection of privacy on the internet

[http://www.coe.int/t/e/legal\\_affairs/legal\\_cooperation/data\\_protection/documents/international%20legal%20instruments/1Rec\(99\)5\\_EN.pdf](http://www.coe.int/t/e/legal_affairs/legal_cooperation/data_protection/documents/international%20legal%20instruments/1Rec(99)5_EN.pdf)

Articles/speeches:

Speech by the European Data Protection Supervisor: "Towards a charter on digital data protection and freedom of information?", speech delivered by Giovanni Buttarelli at the Data Protection Conference 2009 "Personal data - more use, more protection?", Brussels

[http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/EDPS/Publications/Speeches/2009/09-05-20\\_Brussels\\_DPchart\\_EN.pdf](http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/EDPS/Publications/Speeches/2009/09-05-20_Brussels_DPchart_EN.pdf)

DATA PROTECTION AND PUBLIC SECURITY

Documents:

Agreement between the European Union and the United States of America on the processing and transfer of passenger name record (PNR) data by air carriers to the United States Department of Homeland Security

[http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l\\_298/l\\_29820061027en00290031.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_298/l_29820061027en00290031.pdf)

Agreement between the European Union and the United States of America on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the United States Department of Homeland Security (DHS) (2007 PNR Agreement)

[http://eurlex.europa.eu/LexUriServ/site/en/oj/2007/l\\_204/l\\_20420070804en00180025.pdf](http://eurlex.europa.eu/LexUriServ/site/en/oj/2007/l_204/l_20420070804en00180025.pdf)

Proposal for a Council Framework decision on Passenger Name Record on law enforcement purposes [COM (2007) 654]

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007PC0654:EN:NOT>

Opinions:

Opinion of the European Union Agency for Fundamental Rights on the Proposal for a Council Framework Decision on the use of PNR data for law enforcement purposes

[http://fra.europa.eu/fraWebsite/attachments/FRA\\_opinion\\_PNR\\_en.pdf](http://fra.europa.eu/fraWebsite/attachments/FRA_opinion_PNR_en.pdf)

Opinion of the European Data Protection Supervisor on Transatlantic Information Sharing -Opinion Text (11 November 2008)

[http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Consultation/Opinions/2008/08-11-11\\_High\\_Level\\_Contact\\_Group\\_EN.pdf](http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Consultation/Opinions/2008/08-11-11_High_Level_Contact_Group_EN.pdf)

Working Party 29 Opinion n. 2/2007 on information to passengers about the transfer of PNR data to US authorities, Adopted on 15 February 2007 and revised and updated on 24 June 2008

[http://ec.europa.eu/justice\\_home/fsj/privacy/docs/wpdocs/2008/wp151\\_en.pdf](http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/2008/wp151_en.pdf)

Working Party 29 Opinion n. 5/2007 on the follow-up agreement between the European Union and the United States of America on the processing and transfer of passenger name record (PNR) data by air carriers to the United States Department of Homeland Security concluded in July 2007

[http://ec.europa.eu/justice\\_home/fsj/privacy/docs/wpdocs/2007/wp138\\_en.pdf](http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/2007/wp138_en.pdf)

Working Party 29 Opinion: Joint opinion on the proposal for a Council Framework Decision on the use of Passenger Name Record (PNR) for law enforcement purposes, presented by the Commission on 6 November 2007

[http://ec.europa.eu/justice\\_home/fsj/privacy/docs/wpdocs/2007/wp145\\_en.pdf](http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/2007/wp145_en.pdf)

Working Party 29 Opinion n. 2/2007 on information to passengers about transfer of PNR data to US authorities

[http://ec.europa.eu/justice\\_home/fsj/privacy/docs/wpdocs/2007/wp132\\_en.pdf](http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/2007/wp132_en.pdf)

Working Party 29 Opinion n. 7/2006 on the ruling by the European Court of Justice of 30 May 2006 in Joined Cases C-317/04 and C-318/04 on the transmission of Passenger Name Records to the United States and the urgent need for a new agreement

[http://ec.europa.eu/justice\\_home/fsj/privacy/docs/wpdocs/2006/wp124\\_en.pdf](http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/2006/wp124_en.pdf)

Working Party 29 Opinion n. 5/2006 on the ruling by the European Court of Justice of 30 May 2006 in Joined Cases C-317/04 and C-318/04 on the transmission of Passenger Name Records to the United States

[http://ec.europa.eu/justice\\_home/fsj/privacy/docs/wpdocs/2006/wp122\\_en.pdf](http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/2006/wp122_en.pdf)

#### Case law:

ECJ/C-317/04, C-318/04: Judgment of the Court (Grand Chamber) of 30 May 2006 (Protection of individuals with regard to the processing of personal data – Air transport – Decision 2004/496/EC – Agreement between the European Community and the United States of America – Passenger Name Records of air passengers transferred to the United States Bureau of Customs and Border Protection – Directive 95/46/EC – Article 25 – Third countries – Decision 2004/535/EC – Adequate level of Protection)

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=rechercher&numaff=C-317/04>

#### Articles/ speeches:

Statement of Thomas Hammerberg, Commissioner for Human Rights, [“Counter-terrorism measures must not violate the right to privacy”](#)

## BORDER SURVEILLANCE AND DATA PROTECTION

### Opinions:

Working Party 29 Opinion: Letter to Commission Barrot enclosing the joint comments of the Article 29 Working Party and the Working Party on Police and Justice on the Communications from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions, namely: "Preparing the next steps in border management in the European Union", COM (2008) 69 final,

"Examining the creation of a European Border Surveillance System (EUROSUR)" COM (2008) 68 final, and

"Report on the evaluation and future development of the Frontex Agency" COM (2008) 67 final.

[http://ec.europa.eu/justice\\_home/fsj/privacy/docs/wpdocs/2008/wp149\\_en.pdf](http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/2008/wp149_en.pdf)

### Case law:

ECJ/C-77/05: Judgment of the Court (Grand Chamber) of 18 December 2007 - United Kingdom of Great Britain and Northern Ireland v Council of the European Union (Regulation (EC) No 2007/2004 - Establishment of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union - Validity)

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en>

ECJ/C-257/01: Judgment of the Court (Full Court) of 18 January 2005 (Regulations (EC) Nos 789/2001 and 790/2001 - Visa policy - Border checks and surveillance - Article 202 EC - Implementing powers reserved to the Council - Updating reserved to the Member States - Specific cases - Obligation to state reasons)

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en>