

Open Rights Group submission

Review of the Balance of Competences between the United Kingdom and the European Union: Information Rights

Background

Open Rights Group is a grassroots technology organisation that defends digital rights, particularly the right to privacy and the right to freedom of expression.

We represent 2,300 paying supporters and over 30,000 individuals who have chosen to help in our campaigns for free speech and privacy online.

General Points

Our experience has shown us that the competences of the EU in information rights have been crucial to the protection of the rights of UK citizens. The Data Protection Directive has been recognised to be a key component of worldwide privacy regulation, giving good standards of protection.

The EU principles have been widely adopted, including by the OECD and throughout Asia and Africa, but have had less impact in the USA. They have acted, in our view, as a global force for higher protection of privacy rights. As a major independent study of EU-wide data protection¹ legislation concludes:

"The basic European principles should therefore be re-affirmed and if anything strengthened: and efforts to obtain their adoption world-wide should continue".

The report's authors state that they have reservations about, "the application and enforcement" of these principles especially regarding the more intrusive computing and personal data collection. They highlight the use of new technological developments including profiling, the ubiquitous internationalisation of such processing, user generated content, and the effects they have on the Directive in practice, but they believe the underlying principles to be sound. We agree.

But despite this protection, UK citizens have enjoyed a lower level of protection than people in other EU countries due to the weak implementation of the current Data Protection Directive into the Data Protection Act. In this context, the proposed General Regulation on Data Protection, is a necessary step to give UK citizens the protections that should rightly be afforded to them by EU law.

¹ http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1636706