

Privacy & Data Protection

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'Purpose limitation' analysed in depth by Working Party

The Article 29 Working Party has given an important new Opinion elaborating on the purpose limitation principle set out in Article 6(1)(b) of the current EU Data Protection Directive 95/46/EC.

The Opinion, which goes to the heart of data protection law and is relevant to virtually all data controllers processing personal data in the EU, analyses the scope of the principle, clarifies its limits and makes recommendations to strengthen it in the proposed Regulation.

The Working Party

provides a number of examples of what the 'specified, explicit and legitimate' processing requirement means in practice. Vague purpose statements such as 'improving user experience' or 'marketing purposes' will not, on its own, usually suffice.

Multi-layered privacy notices are recommended, particularly in the context of online data collection. Key privacy information should be presented in a user-friendly and accessible manner while additional details should be available via links.

A central part of the

Opinion addresses the 'compatible use' requirement (when personal data may be processed for purposes other than those for which they were originally collected).

In the Working Party's view, a case-by-case analysis is required to determine whether further processing for a different purpose would be compatible with the original purpose. This analysis should take into account four key factors: the relationship between the purposes for data collection and the purposes for further processing;

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The latest on data protection reform

The Legal Affairs Committee ('JURI') has delivered its opinion on the data protection reform proposals.

The Committee, which is the final of four committees of the European Parliament that have reviewed the proposals, is in broad support of the new measures, backing the main fundamentals of the proposed reform.

However, it said that the

right to be forgotten should not apply to data processed for healthcare purposes because of the importance of retaining complete health records to ensure the best care and treatment of patients.

The lead committee on the reforms, the Civil Liberties, Justice and Home Affairs ('LIBE') Committee, is now in the process of reflecting on more than 3,000 amend-

ments that have been suggested to the Commission's text, and is expected to vote on a final opinion at the end of May. The European Parliament's Rapporteur on the data protection reforms, Jan Albrecht MEP, said "I am optimistic that we will succeed in a common [European Parliament] position covering almost all fields,"

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