

**MEETING OF CHAIRPERSONS
OF THE COMMITTEES SPECIALISED IN FUNDAMENTAL RIGHTS**

Session 2 – Data protection and new rights in the digital era

Background note

The use of the Internet raises many questions and sensitive legal issues that, given the very nature of the Internet, transcend national boundaries and demand an international response.

With the opportunities that it offers for the dissemination of knowledge, the exchange of information and the speed of communications, the Internet marks an epochal turning point in social organization.

Equally significant are the potential economic benefits and efficiency gains for the public administration that the Internet can bring, as evidenced by the positive experience of countries whose network infrastructures are most advanced.

At the same time, the Internet exposes vulnerable people, including children, to real risks of abuse and fraud, to violations of the right to privacy by private entities or, as recent news has shown, by government bodies.

It is therefore vital to address the lack of a legal framework, the absence of which currently works in favour of the interests of the most powerful economic players.

On the other hand, the open-ended network structure and constantly changing technology that characterise the Internet make it difficult to build a legal framework that will remain effective over the long term.

Further, recent years have seen the emergence of diverging international approaches. Sharp differences have arisen between those, such as the European Union, that tend to give priority to the protection of users and others, such as the United States, that are more interested in ensuring security, preventing the use of the Internet for illegal purposes.

The well-known “Datagate” affair involving the widespread and systematic violation of the privacy of many Europeans is a case in point¹.

In spite of the difficulties, the European Union has for some time been implementing a series of instruments to regulate Internet use and strike a fair balance between the conflicting demands of the market, the need to respect fundamental rights and to guarantee security.

¹As a result of the [inquiry](#) carried out by the Parliamentary Committee on Civil Liberties, Justice and Home Affairs, the European Parliament approved a [resolution](#) on this subject on 12 March 2014.

In particular, recent legislative proposals² of the European Commission have focused on the protection of personal data, and a draft reform has been prepared to deal with, among other things, access to and the use of personal data by the competent public authorities for security and counter-terrorism purposes; the prohibition of the commercial practice of customer profiling; data portability; the right to be forgotten.

This planned reform has been accorded priority importance under the Italian Presidency of the EU Council.

The Court of Justice of the European Union has contributed to the process by laying down in its most recent judgements³ a set of essential principles, which should underpin a comprehensive European regulatory framework.

Against this backdrop and in view of the significance of the legal issues involved, it appears highly desirable to hold a debate at inter-parliamentary level on the following questions:

- which solutions are best suited to fully protect the fundamental rights of citizens and internet users, and whether these rights can be reconciled with the demands of the market and the need for security;
- whether the regulations under discussion at European level are adequate to cope with the aforementioned issues and to neutralize the risks inherent in Internet use;
- whether it is appropriate for Europe to act as a promoter of regulations or principles to be adopted internationally;
- what legal instruments are most useful for guaranteeing net neutrality, (i.e. undifferentiated access to the network for all potential users);
- what information and training initiatives, for young people in particular, can be adopted at a European level.

² On 25 January 2012, the European Commission presented: a proposal for a directive of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data [COM\(2012\) 10](#); a proposal for a regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) [COM\(2012\) 11](#).

³ Cf. [Joined Cases C-293/12 and C-594/12](#) and [Case C- 131/12](#).