European Commission

STRENGTHENING TRUST AND BOOSTING THE DATA ECONOMY

Digital Single Market
#DSM

The Commission's Contribution to the Leaders' Agenda

#FutureOfEurope #EURoad2Sibiu

May 2018

Stronger privacy rules for electronic communications

The Commission has proposed on 10 January 2017 a Regulation on Privacy and Electronic Communications to update current rules to technical developments and to adapt them to the General Data Protection Regulation that will enter into application in May 2018. The objective is to reinforce trust and security in the Digital Single Market.

The services most often used

On a daily or almost daily basis			On a weekly basis	A few times a month
74% call or text on a mobile phone	81% browse the internet	72% send & receive emails	50% use the internet for instant messaging	39% make internet phone or video calls

UPDATE OF CURRENT RULES

More and more Europeans use services such as Skype, WhatsApp, Facebook Messenger, Gmail, iMessage, or Viber to send messages or call. However, the current ePrivacy rules only cover traditional telecoms providers. To ensure that Europeans' electronic communications are confidential regardless of the technology used, the proposed rules will also apply to internet-based voice and internet-messaging services.

Europeans call for stronger privacy protection online

92% say it is important that personal information on their computer, smartphone or tablet can only be accessed with their permission.

92% say it is important that the confidentiality of their e-mails and online instant messaging is guaranteed.

82% say it is important that tools, such as browser cookies, which monitor their activities online, should only be allowed with their permission.

PROTECTION OF INFORMATION ON USERS' DEVICES

Users must be in control of the information on their device. They must be asked for consent before information, such as their photos, contact lists or calendars are accessed, or when information, such as tracking cookies used to monitor online behaviour, is stored.

Updated 16 May 2018

Benefits for citizens and businesses

Users must be in control about their device and need to be asked for consent before cookies are stored to monitor their online behaviour.

Traditional telecommunications services will have new opportunities to process metadata (metadata is information about data) to provide additional services and to develop their businesses.

By replacing the current ePrivacy Directive by a directly applicable Regulation, citizens and businesses benefit from one single set of rules instead of 28 different ones. This creates more legal certainty and reinforces trust in the internal market.

ePrivacy rules will be enforced by independent supervisory authorities already competent to enforce the General Data Protection Regulation. This will ensure their uniform application across the EU.

Relationship between General Data Protection Regulation & proposal for the ePrivacy Regulation

The General Data Protection Regulation protects personal data. The ePrivacy Regulation protects the confidentiality of electronic communications and the device.

General Data Protection Regulation

1. Covers **all personal data** independently on the means of transmission.
2. Defines the right to personal data protection.
3. Introduces new rights for citizens and obligations for companies.
4. Starts to apply on 25 May 2018.

Proposal for the ePrivacy Regulation

1. Covers electronic communications and the **integrity of the information** on one's device, independently whether it is personal or non-personal data.
2. Right to the privacy and confidentiality of communications.
3. Ensures that mobile apps or internet services through which you communicate cannot intercept, record, listen into, or tap in your communications.
4. Proposed on 10 January 2017 and currently in the legislative process in the European Parliament and the Council.

The proposal for the ePrivacy Regulation complements General Data Protection Regulation in the electronic communications sector.

When communications include personal data, the general rules of the General Data Protection Regulation apply, unless the ePrivacy Regulation lays down more specific rules.

Source for all survey results in this factsheet:
Flash Eurobarometer 433 on ePrivacy, December 2016 ec.europa.eu/digital-single-market/en/news/eurobarometer-eprivacy