

# WORKING P A P E R

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## Review of EU Data Protection Directive

### Inception Report

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## Summary

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The UK Information Commissioner's Office (ICO) would like to commission a review into the EU Data Protection Directive 95/46/EC, specifically its strengths and weaknesses and potential avenues for improvement of its application. This review will address concerns that certain provisions of the Directive may no longer optimally serve their purpose of protecting data subjects against abuses of their personal data, especially given existing technical and societal changes that seem to increasingly favour facilitated and extended use of such data. The study will consider a number of issues arising from the application of the Directive and its impact by reviewing the broad canon of research available in this domain.

This Inception Report (IR) is an amended version of the original proposal submitted as a response to the tender from the ICO in April 2008 and describes in general terms our approach. It also details what we regard to be the drivers and current contextual situation with regard to the Data Protection Directive. Finally, descriptions of the team members and each organisation involved are provided to demonstrate our track record.

The issues analysis will be accomplished by desk research into the aspects of the Directive that are difficult to apply in practice or which do not contribute substantially to meeting its goals, supported by a focused set of interviews of key stakeholders to validate the information gathered. Exploration of promising avenues for the improvement of the regulatory landscape will be accomplished in a 'back-casting' style policy-orientated scenario workshop with a small number of carefully chosen participants.

The team has undertaken a range of policy research studies previously conducted in the domain of privacy, EU law, identity management, information assurance, self and co-regulation and regulatory evaluation. Team members have a longstanding robust working relationship. Researchers from each organisation have considerable experience working together on studies in the fields of law, information technology and policy regarding security, identity and privacy aspects of Information Communications Technology. Recent studies conducted for DG Information Society and Media at the European Commission, including the currently ongoing study on a *Vision for eGovernment towards 2020*, the 2007 studies on a *Comparison of Privacy and Trust Policies* and on the *Impact of Security Aspects on the revision of the EU Communications Framework*; a 2006 study into the *Security Challenges posed by Disruptive Technologies*, the 2005 *Legal Handbook of Computer and Network Misuse in EU Countries*; the 2006 *MODINIS eIDM study* and the *IDABC eIDM interoperability initiatives, as well as the work for IAAC on Identity Management* and the 2005 Scenario study for the Cyber Trust and Crime Prevention initiative for the British Foresight Office illustrate the track record of relevant projects conducted in this field.