

DATA PROTECTION ANNO 2014:  
HOW TO RESTORE TRUST?



# DATA PROTECTION ANNO 2014: HOW TO RESTORE TRUST?

Contributions in honour of Peter Hustinx,  
European Data Protection Supervisor  
(2004–2014)

Editors  
Hielke HIJMANS  
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# PREFACE

Viviane REDING

*Vice-President of the European Commission*

Change has been afoot in the world of data protection for a number of years now. Technological transformations, regulatory challenges and institutional evolution have been the *ordre du jour* for practitioners of the field since the end of the previous century. Globalisation, combined with societal changes and the breakneck speed of technology, presented important questions about how our personal data is protected. In this testing environment, there have been few trusted constants, as enduring and as steadfast as the principles that safeguard our fundamental right to data protection. Peter Hustinx has been one of these constants.

Peter's contribution to European Union policymaking on data protection is difficult to overstate or to quantify. Technician and politician, engineer and ambassador, activist and supervisor, he has played an instrumental role in establishing the 'European brand' of data protection as a global gold standard. Spread over five decades, his service to the cause has bridged all possible levels of activity – national, European and international.

Peter was involved from the very embryonic stages of European data protection law, the 1981 Convention of the Council of Europe, and remained instrumental all the way through to the debate on the European Commission's reform proposals put forward in January 2012.

He left an indelible mark at the Dutch Data Protection Authority, and led it through a transformative period of almost two decades, to render it one of the most prominent supervisory authorities in Europe. He showed the same leadership at the helm of the Article 29 Working Party, of the International Conference of Data Protection Commissioners, and of the Appeals Committee of the Joint Supervisory Board of Europol.

The constants in these remarkable incarnations were his dedication, independence, his force of intellect. They allowed Peter to discern the ever-growing importance of data protection for the average citizen. As the guardian of data protection at the EU institutions, he applied and developed his competences in a way that transcended institutional boundaries, to become a figurehead for a global cause. In this way, he helped in every way he could in meeting the growing expectations of the public from EU policymakers, recognising that reforming our rules was not only a big challenge, but also a historic opportunity.

A passionate advocate of reform and modernisation, Peter understood from very early on that in a world of borderless data, our laws had to anticipate technological developments without standing in their way. He never hesitated to criticise the Union's policy makers when he considered their approach to be weak. He never tired of repeating that Europe needs to take the big step in creating rules that would do away with the complexities stemming from the different permutations of the law in Member States, while at the same time strengthening the rights of individuals, making controllers more accountable for how they handle personal data, and reinforcing the role and powers of national supervisory authorities – across our continent.

Peter Hustinx should be content to see that his life's work is bearing fruit. The intense European and international debate taking place on data protection at the moment bears Peter's fingerprint. And this volume is the best testament to his impact, looking at the national and the European perspectives, but also beyond those, to the transatlantic and the institutional. The essays in this volume, all connected to data protection, bring together contributions from practitioners who, alongside Peter Hustinx, were involved in making, shaping, applying, studying and interpreting data protection laws across the globe.

These contributions are an expression of our gratitude for Peter's five decades of public service. We wish Peter the best for the new chapter in his life. May it be as rich and fulfilling as the preceding ones.

# CONTENTS

## *Preface*

Viviane REDING ..... v

*List of abbreviations* ..... xi

## PART 1. INTRODUCTION

1. **Data Protection Anno 2014: How To Restore Trust? An Introduction**  
Hielke HIJMANS and Herke KRANENBORG ..... 3
2. **Averse from Hair-splitting: A Process-based Framework to Balance Privacy and Other Interests**  
Corien PRINS ..... 19

## PART 2. OBSERVATIONS FROM NEARBY

3. **Privacy: A Refuge for Evil**  
Ulco VAN DE POL ..... 33
4. **Setting up a New European Authority**  
Joaquin BAYO DELGADO ..... 45
5. **Data Protection in the Area of Freedom, Security and Justice: Challenges for the Judiciary**  
Giovanni BUTTARELLI ..... 49

## PART 3. CONSTITUTIONAL VALUES AND THE ROLE OF THE JUDICIARY

6. **Privacy in the Dutch Constitution: A Dead Letter?**  
Luc VERHEY ..... 69
7. **The Distinction between Privacy and Data Protection in the Jurisprudence of the CJEU and the ECtHR**  
Juliane KOKOTT and Christoph SOBOTTA ..... 83

<b>8. The European Court of Justice and the Decade of Surveillance</b>	
Christopher DOCKSEY .....	97
<b>9. The Defense of Privacy: The U.S. Supreme Court and the Need for Institutional Advocacy</b>	
Marc ROTENBERG .....	113

**PART 4. ROLE OF THE LEGISLATOR AND INDEPENDENT CONTROL**

<b>10. Uniform Protection by the EU – The EU Data Protection Regulation Salvages Informational Self-determination</b>	
Jan Philipp ALBRECHT .....	119
<b>11. Sub-national Data Protection Laws in a EU Framework</b>	
Alexander DIX .....	129
<b>12. Accountability – A Modern Approach to Regulating the 21<sup>st</sup> Century Data Environment</b>	
Richard THOMAS .....	135
<b>13. Privacy by debate. The European Data Protection Supervisor’s Contribution to Collaboration between National Data Protection Authorities</b>	
Jacob KOHNSTAMM .....	149
<b>14. SWIFT revisited – When do the Directive and the Proposed Regulation Apply?</b>	
Lokke MOEREL .....	159

**PART 5. THE TRANSATLANTIC PERSPECTIVE**

<b>15. A View from the European Parliament on EU-U.S. Relations</b>	
Sophie IN ’T VELD .....	175
<b>16. Bridging the Divide: A Perspective on U.S.-EU Commercial Privacy Issues and Transatlantic Enforcement Cooperation</b>	
Julie BRILL .....	179
<b>17. Peter Hustinx and Three Clichés about EU-U.S. Data Privacy</b>	
Peter SWIRE .....	191



18. Privacy for a Global Information Society: High Standards, Global Cooperation, Flexibility for the Future Daniel WEITZNER .....	199
19. Foreign Nationals and Data Protection Law: A Transatlantic Analysis Christopher KUNER .....	213
20. The Transatlantic Perspective: Data Protection and Competition Law Pamela JONES HARBOUR .....	225
<b>PART 6. THE CONTRIBUTIONS OF THE EUROPEAN DATA PROTECTION SUPERVISOR</b>	
21. The EDPS as a Unique Stakeholder in the European Data Protection Landscape, Fulfilling the Explicit and Non-explicit Expectations Paul DE HERT and Vagelis PAPAKONSTANTINOU .....	237
22. Ten Years of Supervision of the EU Institutions and Bodies Sophie LOUVEAUX .....	253
23. Ten Years of Supervision of the EU Institutions and Bodies: Perspective of a DPO Laraine LAUDATI .....	261
24. The Ombudsman and the EDPS: Promoting Transparency, the Protection of Personal Data, and Good Administration P. Nikiforos DIAMANDOUROS .....	269
<i>Curriculum Vitae Peter J. Hustinx</i> .....	279
<i>About the Authors</i> .....	281



## LIST OF ABBREVIATIONS

BCRs	Binding Corporate Rules
CJEU	Court of Justice of the European Union
DPA	Data Protection Authority
DPC	Data Protection Coordinator
DPO	Data Protection Officer
EC	European Community
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EDPS	European Data Protection Supervisor
EES	Entry/Exit System
EO	European Ombudsman
EPSO	European Personnel Selection Office
GC	General Court
GDPR	General Data Protection Regulation
GPEN	Global Privacy Enforcement Network
ICT	Information Communication Technology
IMI	Internal Market Information System
JSB	Joint Supervisory Body
MEP	Member of European Parliament
NSA	National Security Agency
OECD	Organisation for Economic Co-operation and Development
OLAF	European Anti-Fraud Office
PIA	Privacy Impact Assessment
PNR	Passenger Name Records
RTP	Registered Traveller Programme
SIS	Schengen Information System
TEU	Treaty on European Union
TFEU	Treaty on the Function of the European Union
VIS	Visa Information System
WPPJ	Working Party on Police and Justice
WP29	Article 29 Working Party

