ARTICLE 29 DATA PROTECTION WORKING PARTY



WP 152

Mandate to the Enforcement Subgroup to proceed to the 2nd joint investigation action

Adopted on 17 July 2008

This Working Party was set up under Article 29 of Directive 95/46/EC. It is an independent European advisory body on data protection and privacy. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC.

The secretariat is provided by Directorate C (Civil Justice, Rights and Citizenship) of the European Commission, Directorate General Justice, Freedom and Security, B-1049 Brussels, Belgium, Office No LX-46 06/80.

Website: http://ec.europa.eu/justice home/fsj/privacy/index en.htm

Mandate

The Article 29 Working Party mandates the Enforcement Subgroup to investigate on the

compliance at national level of Telecom Providers and ISPs to the obligations required from

national traffic data retention legislation on the legal basis of articles 6 and 9 of the e-Privacy

Directive 2002/58/EC and the Data Retention Directive 2006/24/EC amending the e-Privacy

Directive.

For those member states that have not yet implemented the Data Retention Directive, the

investigation will be based on the obligations deriving from the relevant legal framework on

traffic data retention at national level.

The investigation will focus on the following activities of the Telecom providers and ISPs:

• security measures & preventions of abuse

• adherence to storage limit obligations

• the type of retained information (traffic or/and content data).

To evaluate the situation in the member states the Subgroup should take into consideration the

opinions adopted by the Working Party on the Data retention Directive and especially

examine if the minimum safeguards proposed in the opinion N° 3/2006 (WP 119) have been

taken into consideration by the providers.

Done at Brussels, on 17/07/2008

For the Working Party
The Chairman

Alex TÜRK