

Debeuckelaere Willem – CPDP 2009

Thank you for giving us – and with "us" I mean the DPAs – the chance to come and explain our view during this conference. In its own particular form, each Commission for the protection of privacy regularly faces the difficulty of practical organisation and other problems in the field, which is why I believe we can be considered privileged witnesses. I would therefore like to express our gratitude to those who have organised today's discussions and presentations.

Time flies, so I will leave the usual formalities for what they are and move on to the order of the day.

What was on the National Data Protection Authorities' agendas in 2008?

This question, if you take a closer look at it, creates the need for a detailed analysis, no matter how simple it seems at first sight. But time is limited. We each have 8 minutes and during the final quarter of an hour, we will only have time for a brief reaction to the central thesis each of us will bring up.

And I will break the ice with my conclusion for 2008.

My thesis is that in 2008, the Belgian DPA entered into a true dialogue with the private sector: private organisations, companies, enterprises, all sorts of service providers, financial institutions, banks, education and research institutions, hospitals, medical services. We have been working intensively with public authorities for quite a few years now. Private organisations are becoming more and more sensitive to and aware of privacy protection. And this is what 2008 was the year of the breakthrough for.

The year came to a conclusion on 8 December with a decision in the SWIFT case. It was then that SWIFT – which is still an enterprise under private law – notified the processing of personal data in their Netfin network, a worldwide payment system, to the Belgian DPA, enabling us to make this information known in our public register.

Actually, this is a non-event. What is important here is the fact that SWIFT has accepted to be considered as a data controller and not as a data processor for some of its activities as a service provider. And this is important for our doctrinal opinions as well as the basic philosophy: every person, every organisation, every company, even if they are forced by law enforcing authorities, they all have to assume their responsibilities in the chain of data processing operations. And those in power, those who have authority in the matter, also have to be able to justify their position, give explanations.

We started the year 2008 dealing with a complaint against a direct marketing company. At the end of the year, we discussed a recommendation about direct marketing with all stakeholders in this sector.

In the course of 2008 we treated two complaints from trade unions against employers: one about whistleblowers and one about biometric control. In both cases this resulted in a recommendation.

A few months ago we started the discussion about employer supervision of employees and the use of electronic communication.

In 2008 we issued a favourable opinion for important legislation in the field of health law: thanks to the Law of 8 August 2008 an important communication platform is underway for the entire medical world.

As we did many years before, we obviously also proceeded with Schengen, police and justice, public administration, ...

What we also felt breathing down our neck was the supervisory authority of the data retention directive, PNRs, etc.

An of course it crossed my mind that this is all due to that one day in 2001, it's only, it's only, this, excuse the language, this fucking "nine eleven".

But 2008 was also the year *par excellence* in which we as a DPA very clearly observed that privacy protection can and must not only be a matter for administrations and public authorities. It is just as well a mission for private organisations and company. And now, more than ever before, it is being taken seriously.

And finally: this is not only the case in Belgium, most certainly not. If we know that the number of companies having adopted the "Safe Harbor Principles" in the past few years has doubled, this says it all.

So far for my thesis. Let's now listen to our colleagues. It is a pleasure for me to give the floor to:

- Gwendal Le Grand of the French *Commission Nationale de l'Informatique et des Libertés* (CNIL):
- Vanna Palumbo of the Italian *Garante per la protezione dei dati personali*;
- Paul Frencken (substituting Jacob Kohnstamm) Director of the Dutch *College Bescherming Persoonsgegevens*.