

ARTICLE 29 - DATA PROTECTION WORKING PARTY



The Article 29 Working Party approves the first Community code of conduct: the European Code of conduct of FEDMA for the use of personal data in direct marketing

The European Union's Data Protection Authorities meeting at the "Article 29 Working Party" have issued last Friday an opinion stating that the European code of conduct of FEDMA fulfils the requirements laid down in Article 27 of the Data Protection Directive.

The Working Party considers that the FEDMA code of conduct is in accordance with the data protection directive and provides sufficient added value to the directive by being sufficiently focussed on the specific data protection questions and problems in the direct marketing sector and offering sufficiently clear solutions for the questions and problems at stake.

The FEDMA codes deals with a good number of significant matters in the direct marketing sector such as the collection of data for direct marketing purposes, host mailings, disclosure of lists, the sources of the data, the right to object to the processing for direct marketing purposes, preference services systems and in-house suppression lists.

The code also includes specific provisions on the protection of children, dealing in particular with the cases in which data are provided by children in order to participate in a game, to obtain a prize or a similar promotional activity. The last chapter of the code deals with compliance and monitoring, explaining the role that the national Direct Marketing Associations (DMAs) have to play concerning the application of the code and the resolution of complaints.

A Data Protection Committee is created within FEDMA in order to monitor the application of this code. This committee reports to the FEDMA board. The committee has among other functions the obligation to report annually to the Working Party on the functioning of the code at national level and in cross-border activities.

The Working Party would however like to underline the fact that a general code like this can by definition not solve all specific problems inherent to the on-line world and therefore invites FEDMA to produce an annex to the code dealing with these issues. This annex should in particular address the protection of children, which are especially vulnerable in the on-line context, as emphasised in the contribution of BEUC, which was consulted during the process as representative of the views of the data subjects.

The European Data Protection Authorities encourage sectoral organisations and interest groups to submit draft European codes of conduct for the consideration of the

The Working Party has been established by Article 29 of Directive 95/46/EC. It is the independent EU Advisory Body on Data Protection and Privacy. Its tasks are laid down in Article 30 of Directive 95/46/EC and in Article 14 of Directive 97/66/EC. The Secretariat is provided by:

The European Commission, Internal Market DG, Functioning and impact of the Internal Market. Coordination. Data Protection.

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Working Party. As it was underlined in the first report on the implementation of the Directive recently published by the European Commission, self-regulation, and in particular codes of conducts, should play an important role in the future development of data protection in the EU.

For more information please consult the full text of the opinion and of the FEDMA code available at:
http://europa.eu.int/comm/internal_market/en/dataprot/wpdocs/index.htm