

# European data protection directive



Running head: European Data Protection Directive European Data Protection Directive Piera Hosinski SECURE MANAGEMENT ( MGT 580 Winter 2012)

Instructor: Christopher Sobota Abstract " The Data Protection Directive (officially Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data) is a European Union directive which regulates the processing of personal data within the European Union. It is an important component of EU privacy and human rights law. "(Wikipedia, 2012) The right to privacy is highly developed in Europe.

The data protection directive provides a right to respect for one's " private and family life, his home and his correspondence," and is subject to certain restrictions. 1) Why on earth does Europe have such strict data protection laws? There are many laws as to why Europe is so strict on data protection but many countries are adopting the laws for three reasons. a. ) To remedy past injustices. Many countries especially in Central Europe, South America and South Africa are adopting laws to remedy privacy violations that occurred under previous regimes. . ) To promote electronic commerce. Many countries, especially in Asia, but also Canada, have developed or are currently developing laws in an effort to promote electronic commerce. They recognize that consumers are uneasy with their data personal information being sent out electronically worldwide. Privacy laws are being introduced as part of a package of laws intended to facilitate electronic commerce by setting up uniform rules. (Privacy International) c. ) To ensure laws are consistent with Pan-European laws.

Most countries in Central and Eastern Europe are adopting new laws based on the Council of Europe Convention and the European Union Data Protection Directive. (Privacy International) In Europe privacy laws are different the US, here in the states our privacy is slowly slipping away from us. In Europe they protect their citizens and most rulings are for the people when it comes to privacy. Personal information cannot be protected with the consumer agreeing to it they also have the right to review the information and correct it. If a company processes the data they have to register with the government.

Employers are not allowed to read an employee's email, and personal information cannot be shared by companies or go across borders. If at a store a checkout clerk is not allowed to ask for a person's phone number. 2) What are the concerns with transferring data from the European Union office in Germany to the United States? (Your company is NOT part of Safe Harbor and there are no binding corporate rules in place). EU Member States' privacy laws implementing the EU Data Protection Directive (95/46/EC) require that international data transfers pass a two-step test. ) The data exporter must ensure that all processing requirements under local law are met. At this stage the intended data transfer is analyzed in light of the FDPA as if it took place solely in Germany. In other words, the data transfer itself must be legitimate. (Schmidl & Krone, 2010) b) According to the EU Data Protection Directive — and correspondingly the FDPA — it is unlawful to transfer personal data to non-EU/EEA countries that do not meet the EU “adequacy” standards for data protection.

Such transfers may be legalized on a case-by-case basis, even if the fact that the data importer does not provide for an adequate level of data protection remains unchanged. (Schmidl & Krone, 2010) Such transfers are becoming more costly and difficult since every Country has its own laws to protect data. Typically these laws either explicitly prohibit transfers to other countries unless their conditions are met or impose their regulatory obligations on organizations transferring the information. 3) What should you put in place so you can transfer this data?

Most importantly is to make sure you know all the laws with the country you are going to be transferring data. Data management is important so there should be strict data standards. I would create a database for each country and their rules. It maybe time consuming at the beginning but its important to understand what that country expects and make sure someone is accurately maintaining the information when change in the laws occur. 4) Should you buy your boss' dog a chew toy in order to get on her good side?

I have never been the one person at work who tries to get on my bosses good side by kissing butt. My work speaks for itself if I am to be recognized its on how clean my work is, accurate and damn good. So no I would not buy any dog treat or chew toy for my dog or boss. References Wikipedia. (2012, January 22). Data protection directive. Retrieved from [http://en.wikipedia.org/wiki/Data\\_Protection\\_Directive](http://en.wikipedia.org/wiki/Data_Protection_Directive) Grech, J. (2011, November 24). Stricter data protection. Retrieved from <http://www.timesofmalta.com/articles/view/20111124/business-comment/Stricter-data-protection.95194> Privacy International. (n. d. ). Privacy and human rights. Retrieved from <http://gilc.org/privacy/survey/intro.html> Sullivan, B. (2006, October 19). ' la <https://assignbuster.com/european-data-protection-directive/>

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