



Gesellschaft für Datenschutz
und Datensicherheit e.V.

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How the Transatlantic Trade and Investment Partnership can bridge two data protection systems

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Between 8 and 12 July 2013 the European Union and the United States initiated negotiations regarding a Transatlantic Trade and Investment Partnership (TTIP) which would create the world's biggest free-trade zone. While both parties mostly expect economic benefits from the agreement, one important issue still is unmentioned: So far neither the European nor the American side is planning to implement rules within the regime regarding the protection of personal data of individuals. Ignoring such an important topic has to be deemed questionable since a boost of trade activities between the two parties will result in an increased flow of personal data. Unsolved data protection questions might impede the free flow of information.

The reasons for not implementing data protection rules might result from the two different systems for the protection of personal data of individuals on each side. While the European Union prefers a comprehensive approach with Directive 95/46/EC, the United States rely on sectoral rules of law regarding data protection. However these different models should not be an excuse for putting data protection aside when creating a new free-trade zone. Independent of the question which data protection system might be the most efficient one, common standards for data protection implemented in the free trade agreement can foster future data flows between the two trade zones and provide interoperability between the existing data protection systems.

By ignoring the protection of personal data of individuals within the partnership, data protection will remain an obstacle in a Transatlantic Free Trade Area due to the fact that there is, so far, no mutual recognition between the two data protection system except for companies which are willing to join the Safe Harbor Framework and thereby comply with its requirement regarding data protection. However the existing Safe Harbor Framework cannot be seen as an appropriate standard since its accession is solely voluntary and sector oriented. Furthermore it does not cover all types of flows of personal data and does not solve the question of onward transfers of personal data to sub-providers in a global economy.



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The GDD urges stakeholders for TTIP to consider rules for the protection of personal data of individuals. Especially after the current debate concerning the collection of personal data of European citizens by the National Secret Service (NSA), a common understanding for data protection between the European Union and the United States as well as transparent rules regarding the procession of personal data will contribute to restore confidence when it comes to the transatlantic information exchange.

Bonn, July 17, 2013

About the GDD e.V.

The German Association for Data Protection and Data Security (GDD) was founded in 1976 and stands as a non-profit organization for practicable and effective data protection. The GDD interacts with government officials, data protection authorities, associations and privacy experts world-wide.