



Consumer perspectives on the EU-US Privacy Shield Proposal

David Martin – BEUC Senior Legal Officer
LIBE Hearing on "EU-US Privacy Shield"
European Parliament
17 March 2016

1. There is **no «cultural difference»**: Consumers on both sides of the Atlantic are **concerned** and want better **privacy**.
 2. US legal data protection regime **does not provide an 'essentially equivalent' level of protection**. Privacy Shield does not and cannot change this fact.
 3. Privacy Shield has many **flaws**, does not guarantee robust protection.
- **Rushing into an unsatisfactory arrangement puts in danger the fundamental rights of European consumers, also does not do any favours to US consumers.**



- **67%** are worried about having no control over the information they provide online, only **15%** believe they have control.
- **89%** believe they should have the same level of protection regardless of the country in which the authority or private company processing their data is based.
- **63%** do not trust online businesses.

("Data Protection Eurobarometer", June 2015)



- **91%** agree that consumers have lost control over how personal information is collected and used by companies.

("Public Perception of Privacy and Security in the Post Snowden Era", Pew Research Centre, November 2014)

- **74%** believe control over personal information is "very important," yet only **9%** believe they have such control.

- **64%** believe government should do more to regulate internet advertisers.

("Americans' Views About Data Collection and Security, Pew Research Centre, May 2015)

- **91%** agree that it is unfair to collect information about me without my knowing in exchange for a discount.

("The Tradeoff Fallacy", University of Pennsylvania, June 2015)

Regulatory regimes are oceans apart



- Does not and cannot remedy the fundamental imbalance between EU-US legal data protection regimes.
- Does not provide adequate protection for EU consumers, nor the necessary legal certainty.
- Loopholes:
 - Purpose limitation can be easily circumvented
 - Disproportionate exemptions to apply opt-out rules
 - Weak data minimisation principle (“relevant” vs “necessary”)
 - Weak redress mechanisms (arbitration not equivalent to judicial redress)
 - No independent data protection authority
 - Voluntary, self-certification system



- EU Commission should not rush into an inadequate arrangement that **puts in danger the fundamental rights of European consumers**
- US should enact a **comprehensive legal framework for data protection and privacy that truly provides an essentially equivalent level of protection**

Otherwise...





Thank you for your attention

www.beuc.eu

@beuc

www.tacd.org

@TACD_consumers

