

20171005 - BTO - meeting with Microsoft

Meeting between Carl-Christian Buhr and Microsoft

Date: 5 October 2017

Microsoft explained that in the consultation phase of the proposal, they did not ask for repeal of the ePrivacy Directive but to focus on the confidentiality element. For data protection, no *lex specialis* is needed in their view. Microsoft focused on Articles 5-7 during the meeting:

- For Article 5, Microsoft would prefer a distinction between confidentiality (prohibition of interference) and data protection elements (prohibition of processing). They seem to object to a reference to the latter. Commission explained that processing encompasses interception, tapping etc.
- Microsoft pointed out the relevance of machine learning and that processing of communications data may be needed.
- Microsoft explained that communication and productivity apps merge, such as tools that allow putting appointments that are referred to in the communication in the calendar and translation tools and spell checking tools. Commission explained the scope of the instrument, which concerns the transmission. Some of the examples given by Microsoft may not fall within scope.
- Microsoft suggested a clarification that Article 11 on restriction does not affect mutual legal assistance rules.

 Personal data