

# PRISM and data protection: Commissioner's answers inadequate

Wednesday 19 June 2013

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Appearing before MEPs, **European Commission Vice-President Viviane Reding**, responsible for data protection, has failed to confirm that she would positively support the reinsertion in the draft new EU data protection law of an 'anti-FISA' clause as called for by MEPs including **ALDE shadow rapporteur Sarah Ludford**.

**Sarah Ludford** wants to ensure that EU customers are shielded from US National Security Agency data-mining authorised by the Patriot Act and the secret Foreign Intelligence Surveillance Act court, such as the recently revealed 'PRISM' programme. But before the draft EU privacy law was published, Viviane Reding and her colleagues caved in to American pressure and dropped a clause that would have ensured no snooping decision by a foreign tribunal would be recognised unless regulated by an international agreement.

**Sarah Ludford** said:

"Vice-President Reding keeps repeating that any data access bids by foreign governments must be done only through mutual legal assistance treaties. But she knows as we all do that neither the US nor some EU governments are respecting that."

"Why has she not taken enforcement action against national governments or the companies concerned for breach of existing EU privacy law?"

"Telling data subjects that their data is being transferred abroad - or is in 'the cloud' - will not in itself ensure their protection against the assertion of foreign jurisdiction through intelligence demands. She now tells us she would 'not object' if MEPs reintroduce clause of the type the Commission unaccountably dropped, but that falls far short of a pledge of active support."

"This deficiency is in line with the Commissioner's history on this matter: lots of bluster but very little in the form of robust and pro-active solutions."

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