

HOPE ON THE DATA PROTECTION HORIZON - BDO ABOGADOS

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A new proposal for an extensive reform of data protection regulation will see the creation of a single EU law

La Comisión Europea ha puesto sobre la mesa una propuesta de reforma extensa que puede ver el nacimiento de una Ley de Protección de Datos única, directamente aplicable a cada uno de los estados miembros. La propuesta es ambiciosa, dice Ignacio Legido de BDO Abogados, ya que cambiaría la normativa de todos y cada uno de los países miembros.

Twenty-seven Member States implemented the EU's 1995 data protection directive, but in very different ways, says Ignacio Legido, Managing Partner at BDO Abogados. "There is a clear lack of uniformity across Europe."

The EU Commission has now put forward a proposal for an extensive reform that will see the creation of a single law, to be directly applicable in each Member State. Currently in its early stages, the proposal has gone through a public consultation, says Legido, and is now with the EU Parliament, with a text likely to be put forward in the summer of 2013. "The proposal is very ambitious," he adds, "as, if implemented, it will completely change the systems in place for data protection across Europe". The current system in Spain is far from agile, says Legido, and there are many costly and unnecessary administrative burdens slowing it down. The notification of data protection activities to supervisors and the application for data transfer, for example, will all be simplified.

The new law would also introduce a system of accountability for those processing data, which not only requires compliance, but proof of doing so.

Costs are a huge issue, says Legido, and the proposal aims to bring about significant savings for businesses. He is unsure, however, whether this is achievable as companies will have to make significant investments if they are to adapt their current systems to the new law.

“Companies that already have internal systems will be more prepared, but for those without, the new law will imply much higher costs to set these systems up.” For law firms, however, this proposal has its benefits, says Legido, as it has the potential to generate a great deal of work helping clients both with installing new systems and with compliance.