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Intelligent transport systems - Privacy aspects in ITS standards and systems in Europe

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Intelligent transport systems - Privacy aspects in ITS standards and systems in Europe

Systèmes de transport intelligents - Aspects de la vie privée
dans les normes et les systèmes en Europe

Intelligente Transportsysteme - Datenschutz Aspekte in ITS
Normen und Systemen in Europa

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Foreword

This document (CEN/TR 16742:2014) has been prepared by Technical Committee CEN/TC 278 “Intelligent transport systems”, the secretariat of which is held by NEN.

Attention is drawn to the possibility that some of the elements of this document may be the subject of patent rights. CEN [and/or CENELEC] shall not be held responsible for identifying any or all such patent rights.

Introduction

This Technical Report is a guide for the developers of both ITS itself and its standards when many types of data are exchanged during the performance of its tasks, which includes in some cases personal data and information. Such Personal Data or Personal Information (PI) underlies for their applications special rules defined in European Union (EU) mandatory directives or a possible EU Regulation concerning the revision of the EU Directives at Data Protection or at the national level national data protection law. In order to avoid an incorrect use of PI in any standard or Technical Report, which would cause the application of this standard or Technical Specification to be banned by legal courts, this Technical Report gives guidelines for the CEN/TC 278 Working Groups how to deal with PI in compliance with the legal rules.

Even though specific data privacy protection legislation is generally achieved through national legislation and this varies from country to country there exists a basic set of rules which are common in all European countries. These common rules are defined in the European Directives 95/46/EC and 2002/58/EC in their current versions. Countries not members of the European Union (Switzerland, Norway, Island etc.) have issued national data protection laws, which are very closely aligned to the European Directives. It should also be noted that the European Directives on the protection of individuals (95/46/EC and 2002/58/EC) are regarded as the strongest legal rules around the world.

This Technical Report builds on the content of ISO/TR 12859:2009 but extends the rules and recommendations in order to be as compliant as is reasonable with the European Directives and some of the national data protection laws. This means it is more specific and includes some recent developments and it tries to include some intentions of what the European Commission is preparing to include in a revised and enforced version of the Directive 95/46/EC (the proposed EU proposal of a Regulation of data protection COM(2012)11 final, 2012/0011 (COD)).

1 Scope

This Technical Report gives general guidelines to developers of intelligent transport systems (ITS) and its standards on data privacy aspects and associated legislative requirements. It is based on the EU-Directives valid at the end of 2013. It is expected that planned future enhancements of the Directives and the proposed “General Data Protection Regulation” including the Report of the EU-Parliament of 2013-11-22 (P7_A(2013)0402) will not change the guide significantly.

2 Terms and definitions

For the purposes of this document, the following terms and definitions apply.

2.1

accountability

principle that individuals, organizations or the community are liable and responsible for their actions and may be required to explain them to the data subject and others and their actions shall comply with measures and making compliance evident, and the associated required disclosures

[SOURCE: ISO/IEC 24775:2011 Edition:2]

2.2

anonymity

characteristic of information, which prevents the possibility to determine directly or indirectly the identity of the data subject

[SOURCE: ISO/IEC 29100:2011]

2.3

anonymisation

process by which personal information (PI) is irreversibly altered in such a way that an Individual or a legal entity can no longer be identified directly or indirectly either by the controller alone or in collaboration with any other party

[SOURCE: ISO/IEC 29100:2011]

2.4

anonymised PI

PI that has been subject to a process of anonymisation and that by any means can no longer be used to identify an Individual or legal entity

[SOURCE: ISO/IEC 29100:2011]

2.5

committing of PI

transfer of PI from the controller to a processor in the context of a commissioned work

2.6

consent

individual's or legal entity's (data subject) explicitly or implicitly freely given agreement to the processing of its PI in the course of which the data subject has been in advance completely informed about the purpose, the legal basis and the third parties, receiving data subject's PI, and all these in a comprehensible form

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