



Data protection in the re-use of PSI

What is this fact sheet about?

Privacy protection is an important element in ensuring the credibility and viability of PSI re-use. PSI can involve data that permits the identification of specific persons, thus impacting their personal life. This fact sheet explains how the PSI directive relates to the legal protection of such personal data, and provides the main principles to take into account when processing PSI that includes personal data, including by making PSI available for re-use, or by re-using PSI.

Data protection in the EU

A specific directive has been adopted in the European Union (the so-called [Data Protection Directive](#)), which aims to protect the people's right to privacy with respect to their personal data. It does so by establishing a common set of rules that must be observed when processing personal data.

'Personal data' is defined in this Directive as 'any information relating to an identified or identifiable natural person'. This includes direct references to a person such as their full name, address or any identification numbers, but can also include less direct information such as photos or information on living conditions. The concept of personal data is thus quite broad. As a result, PSI can easily include personal data.

Data protection in the PSI Directive

The PSI Directive emphasizes that its provisions should be implemented and applied in full compliance with the principles of the Data Protection Directive (recital 21), and that the PSI Directive doesn't affect the level of protection of individuals with regard to the processing of personal data (Article 1 (4) of the PSI Directive). As a result, any PSI initiative in which personal data is processed will also need to comply with the rules of the Data Protection Directive.

Major principles of data protection

The Data Protection Directive operates on the basis of a number of major principles. These include:

Legitimacy: personal data may only be processed when there is a clear lawful basis for this.

E.g. if a law permits the re-use of trade register information to ensure transparency and accessibility, then re-use is clearly legitimate

Purpose: personal data must be collected for specified, explicit and legitimate purposes and not processed in a way incompatible with those purposes.

E.g. medical treatment information from a hospital may not be made available to insurance companies

Proportionality: personal data must be adequate, relevant and not excessive in relation to the purposes for which they are collected and/or further processed;

E.g. when creating crime maps, it is excessive to mention the exact address where a crime took place

Quality: the accuracy of the personal data must be protected to a reasonable extent;

E.g. if a public sector body makes geographic data available for re-use without guarantees of accuracy, it should provide mechanisms to report any errors

Security: personal data must be reasonably protected against unlawful processing, e.g. accidental or unlawful destruction, corruption or loss of the data;

E.g. when trade register information is licensed for re-use but not made generally available to the public, then re-users should be required to implement security measures to prevent data loss

Individual rights: people should be informed on the re-use, and should have the possibility to access the data, and to have it corrected or removed if needed;

E.g. if PSI includes pictures taken in public, citizens accidentally photographed should be able to object

Protection of special categories of data, including racial or ethnic origin, political opinions, religious beliefs, and health or sex life.

E.g. if citizen register data that also specifies religion is made available for re-use, information on religion should be removed unless the law permits this

Determining data protection compliance

Both public sector bodies and the re-users themselves will need to determine whether their PSI is considered to be personal data, and if so, make sure that they implement appropriate procedures to respect the rules of the Data Protection Directive.

For more information on this subject along with practical examples, we refer to our [topic report on reconciling PSI re-use rights and privacy concerns](#).