



COMMISSION'S PROPOSAL FOR A GENERAL DATA PROTECTION REGULATION Position of the paper and print value chain *March 2013*

Our associations are part of the paper and print value chain - including paper manufacturing, paper converting, printing, postal services and direct marketing – and are committed to safeguarding the protection of personal data.

We acknowledge that recent globalisation trends and technology developments create the need for a review of the existing legal framework, i.e. Directive 95/46/EC on Data Protection, to ensure the privacy of personal data of European citizens. In this context, we welcome the Commission's proposal for a general data protection Regulation as published on 25 January 2012.

The European strategy for growth and competitiveness emphasises the need for the development of the single European market with free movement of goods, services, labour and capital. With data being an integral part of this process, the ability to use and move data within the European Union must be considered as an essential requirement of a revised legislation. A balance needs to be found between consumer protection requirements and businesses' development needs.

The review of the existing framework is primarily aimed at tackling the growing development of online technology. However, in doing so, the risk is to destabilise the more 'traditional' side of the communication industry, which is not being questioned for its ability to protect personal data.

As members of the paper and print value chain, we herewith wish to address some aspects of the proposed Regulation affecting **postal direct mail**.

“Legitimate interest” and “right to object”

We welcome the Commission's proposal acknowledging the “legitimate interests” of the controller to process data (article 6) and retaining the “right to object” for data subjects at any time of the processing of personal data (article 19). And we strongly support the application of the latter to postal direct mail purposes (article 19.2) as it ensures the safeguarding of the efficient legal framework, which has been in place for nearly two decades and which has been complemented with self-regulatory initiatives from the business community.

In order to safeguard the efficient legal framework applicable to the postal direct mail, it is crucial that the **“legitimate interest” of the controller to process data is being maintained** and the **“right to object” is not being replaced by a “prior consent” approach**.

Measures based on profiling

Article 20 of the proposed Regulation relates to the activities of profiling. We are surprised to see that companies' legitimate interest for doing profiling is not recognised in the draft legislation.

Profiling allows for the identification of categories of individuals (not for the identification of individuals), thereby ensuring that companies target the right audience with relevant information. Without profiling, the postal direct mail business will effectively become a door-to-door mail drop service. This is not in the interest of consumers, nor of companies, who would have to support unnecessary costs.

While profiling has indeed become more complex with the advent of OBA, (online behavioural advertising), the Commission must not ignore traditional profiling activities that remain valid today. Banning all profiling activities would seriously hamper businesses' capacity to advertise, via postal direct mail, products and services to the relevant customer, thus limiting offers on the market and preventing customers from having a choice and getting the best out of the internal market.

Consequently we are of the opinion that **the companies' legitimate interest for doing profiling should be recognised** as proposed in the *Recommendation CM/Rec(2010)13 of the Committee of Ministers to member states on the protection of individuals with regard to automatic processing of personal data in the context of profiling*.

Contact:

CEPI – Confederation of European Paper Industries – www.cepi.org

FEDMA – Federation of European Direct and Interactive Marketing – www.fedma.org

FEPE – European Envelope Manufacturers Association – www.fepe.org

INTERGRAF – European Federation of Print and Digital Communication – www.intergraf.eu

Paper Chain Forum – www.paperchainforum.org

POSTEUROP – European Postal Operators – www.posteurop.org