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SUPERVISOR**

Mr Matthias RUETE
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European Commission
B-1049 Brussels

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PH/IC/mjs/ D(2014)0616 C 2014-0015

Subject: Public consultation on the provision of EU-wide real-time traffic information services under Directive 2010/40/EU

Dear Mr Ruete,

I am writing to you in response to the public consultation launched by DG MOVE¹ on "The provision of EU-wide real-time traffic information services under Directive 2010/40/EU² (the "ITS Directive")".

Article 3 of the ITS Directive identifies six priority actions for which the Commission should adopt specifications and standards. On 15 May 2013, the Commission adopted specifications for priority actions c) and e) by means of Delegated Regulations. The public consultation relates to priority action b).

It is likely that the services concerned by priority action b) will be based on the collection of information from users (e.g. equipment embedded in the car such as the eCall platform, GPS connected to telecommunication equipment, etc), which may include geo-location data. This information would clearly relate to individuals who are identified or identifiable. Therefore, the collection and use of such information would entail the processing of personal data of individuals within the meaning of Article 2(a) of Directive 95/46/EC.

As a result, the deployment and use of ITS applications and services in respect of priority action b) must comply with EU data protection law, in particular Directive 95/46/EC and Directive 2002/58/EC.

The EDPS has, on many occasions, underlined the data protection considerations that must be taken into account when developing specifications in the field of ITS (see the EDPS Opinion³

¹ http://ec.europa.eu/transport/themes/its/consultations/2014-03-14-rtti_en.htm

² OJ L 207, 06/08/2010, p. 1.

on the ITS Directive and the EDPS formal comments⁴ on priority actions c) and e) attached). They include the respect of privacy-by-design at the earliest stage of the design of the services as well as safeguards on the collection and re-use of location data.

The EDPS therefore recommends that the Commission should take full account of privacy and data protection requirements in any future specification that may be put forward for priority action b), so that the design of these services is respectful of individuals' rights to privacy and data protection.

The EDPS recalls that he should be consulted prior to the adoption of specifications under the ITS Directive, pursuant to Article 28(2) of Regulation 45/2001, and he therefore wishes to be duly involved in the work leading to the adoption of any such specifications.

Yours sincerely,

(signed)

Peter HUSTINX

Cc: Ms Françoise LE BAIL, Director-General, DG Justice
Mr Fotis KARAMITSOS, Acting Deputy Director-General, DG MOVE
Mr Olivier ONIDI, Director, DG MOVE
Ms Marie-Hélène BOULANGER, Head of Unit, DG Justice
Mr Philippe RENAUDIÈRE, Data Protection Officer, European Commission

³ EDPS Opinion of 22 July 2009 on the Communication from the Commission on an Action Plan for the Deployment of Intelligent Transport Systems in Europe and the accompanying Proposal for a Directive of the European Parliament and of the Council laying down the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other transport modes, OJ C 47, 25.02.2010, p. 6.

⁴ EDPS formal comments of 13 June 2013 on the Commission Delegated Regulations supplementing Directive 2010/40/EU of the European Parliament and the Council with regard to "Data and procedures for the provision, where possible, of road safety related minimum universal traffic information free of charge to users" and "Provision of information services for safe and secure parking places for trucks and commercial vehicles", available on the Consultation section of the EDPS website: www.edps.europa.eu.