

## Ethics and Data Protection Framework

**Personal data**      **legitimate purpose**      **proportionality**  
**Data privacy**      **EU Data Protection Directive 95/46**      **honesty and transparency**  
**National legislations**

### Introduction

This publishable summary provides an overview of the Data Protection framework to be used in SMARTSPACES. Further, a summary of applicable Data Protection legislation in the pilot countries is also provided.

Given the significance of Data Protection in SMARTSPACES, makes it a key issues which needs to be dealt with in all pilot sites. Therefore, a close follow up of data protection requirements in each pilot site will be carried out and potential issues arising discussed in consortium meetings. Any outcomes of ethics management beyond the results presented in the D9.1 will be reported in the framework of exploitation deliverables.

### The SMARTSPACES ethics and data protection framework

The Data Protection Directive 95/46 has a direct impact on the implementation of the EDSS and EMS solutions of the SMARTSPACES project. But, considering that not all the information collected is personal data, the pilot sites need to define the type of information they will manage during the project.

SMARTSPACES partners are considered as controllers in each participating country. The collection, processing and transmission of personal data must be analysed under the principles of Directive 95/46/CE and especially the respective National laws. Any additional regulations at National level that are not in the Directive and apply to Data Protection or any other sensitive information are also taken into account .

The framework on data protection and ethics as to be used in SMARTSPACES comprises data privacy issues in service operation and evaluation, and data protection management.

The European Union Directive 95/46/EC for data protection and data protection issues that are part of national legislation in pilot member states , all have an impact on SMARTSPACES project.

*Breakdown into countries on the >> Fact Sheet*

**SMARTSPACES Key Figures** The project started on 1 January 2012 and will last for three years. It will set up 11 pilot sites in 11 cities in 8 countries and be operated by 25 partners with an overall budget of almost 7 million Euro.



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## EU Directive 95/46/EC

The European Union Directive 95/46/EC for Data Protection is the official document that has the objective of the protection of individuals with regard to the processing of personal data and on the free movement of the data obtained.

*The principles of the Directive are **honesty and transparency, legitimate purpose and proportionality** in order to guarantee the **free flow of data** within the EU.*

**Honesty and transparency:** data managed during the SMARTSPACES project must be processed only under the following preconditions which need to be met (Art. 7, Directive 95/46/EC): - When the data subject has given her/his consent; - When the processing is necessary for the performance of or the entering into a contract; - When processing is necessary for compliance with a legal obligation; - When processing is necessary in order to protect the vital interests of the data subject.

**Legitimate purpose:** personal data can only be processed for specified explicit and legitimate purposes as specified in SMARTSPACES and may not be processed further in a way incompatible with those purposes.

**Proportionality:** the anonymity of the surveys in SMARTSPACES project should be protected by using IDs and associated means of assuring privacy of the personal data.

## National Legislation

SMARTSPACES project takes into account any additional regulations at National level that are not in the Directive and apply to Data Protection or any other sensitive information .

### France

Legislation relating to personal data and computer files are present in France since the late 1970s. At the moment, there is no specific law in force concerning energy consumption data protection. Current regulations in the city of Moulins, specify some data protection principles relevant for social housing area.

### Germany

The implementation process of the EU Data Protection Directive (95/46/EU) was finalized on 23.05.01 through The Federal Data Protection Act. The city of Hagen has numerous data protection guidelines which have been visited.

### Italy

The Directive 95/46/EC was transposed into the Italian Law on 31 December 1996 and the Personal Data Protection Code came into force on 1 January 2004. The data protection regulations in the city of Milan, include apply to the social housing area but, in case of child care centers, there is no specific restriction.

### Netherlands

Personal Data Protection Law exists in Netherlands since 2001. The city of Venlo has numerous data protection guidelines but no specific guidelines or rules have been set up for the management of data protection issues inside the organization.

### Serbia

The law on personal data protection in Serbia came in force on 4 November 2008. The city of Belgrade has numerous data guidelines to be followed by the staff and applicable in SMARTSPACES. Cases when personal data processing is forbidden are specified in the guidelines.

### Spain

Protection of personal data in Spain is attained through Personal Data Protection Law , which exists since 1999 and has frequently been amended. SMARTSPACES pilot sites in Murcia and Venlo are subject to the Organic Law 15/1999 regarding organizational measures to ensure the security of Electronic Personal Data Files and documentation procedure concerning incidents affecting personal data.

### Turkey

Turkey does not yet a specific law or regulation which covers the data protection issues in the country. A specific data protection law is currently part of the parliament's agenda.

### United Kingdom

The EU Directive was transposed into national legislation by the Data Protection Act of 1998. The cities of Birmingham, Bristol and Leicester, where some of the SMARTSPACES pilot sites are located, also have their own Data Protection policies, which provide guidelines on data protection and personal data use.