A study of Data protection: harmonisation or confusion?
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Abstract
The development of a frontier-free Internal Market and of the so-called 'information society' have resulted in an increase in the flows of personal data between Member States of the EU. In order to remove potential obstacles to such flows and to ensure a high level of protection within the EU, data protection legislation has been introduced. Further, it is claimed that through ‘safe harbour’ provisions and ‘third country status’ these measures are having an impact in other non-EU countries. An attempt to assess whether 10 years after its inception harmonization of data protection concepts has in fact been achieved necessitated an exploration of the views of those charged with operationalising it in the course of their employment as data controllers and those charged with interpreting it on behalf of the general public. Semi-structured interviews were used to explore their understanding of and satisfaction with current definitions personal and sensitive data.

A stated aim of the Directive is harmonisation of data protection within the EU. So, in theory there should be a common understanding and application of concepts such as personal and sensitive data. However, preliminary findings suggest that although the global village is now governed by similar data protection rules, harmonisation remains much more apparent than real.

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1 Since 2004 the EU Data Protection Directive of 1995 is enforceable across the 25 EU Member States.

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