The Article 29 Working Party has given an important new Opinion elaborating on the purpose limitation principle set out in Article 6(1)(b) of the current EU Data Protection Directive 95/46/EC.

The Opinion, which goes to the heart of data protection law and is relevant to virtually all data controllers processing personal data in the EU, analyses the scope of the principle, clarifies its limits and makes recommendations to strengthen it in the proposed Regulation.

The Working Party provides a number of examples of what the ‘specified, explicit and legitimate’ processing requirement means in practice. Vague purpose statements such as ‘improving user experience’ or ‘marketing purposes’ will not, on its own, usually suffice.

Multi-layered privacy notices are recommended, particularly in the context of online data collection. Key privacy information should be presented in a user-friendly and accessible manner while additional details should be available via links. A central part of the Opinion addresses the ‘compatible use’ requirement (when personal data may be processed for purposes other than those for which they were originally collected).

In the Working Party’s view, a case-by-case analysis is required to determine whether further processing for a different purpose would be compatible with the original purpose. This analysis should take into account four key factors: the relationship between

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