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# Intelligent transport systems - Privacy aspects in ITS standards and systems in Europe

Systèmes de transport intelligents - Aspects de la vie privée dans les normes et les systèmes en Europe

Intelligente Transportsysteme - Datenschutz Aspekte in ITS Normen und Systemen in Europa

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EUROPEAN COMMITTEE FOR STANDARDIZATION
COMITÉ EUROPÉEN DE NORMALISATION
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## Foreword

This document (CEN/TR 16742:2014) has been prepared by Technical Committee CEN/TC 278 “Intelligent transport systems”, the secretariat of which is held by NEN.

Attention is drawn to the possibility that some of the elements of this document may be the subject of patent rights. CEN [and/or CENELEC] shall not be held responsible for identifying any or all such patent rights.

# Introduction

This Technical Report is a guide for the developers of both ITS itself and its standards when many types of data are exchanged during the performance of its tasks, which includes in some cases personal data and information. Such Personal Data or Personal Information (PI) underlies for their applications special rules defined in European Union (EU) mandatory directives or a possible EU Regulation concerning the revision of the EU Directives at Data Protection or at the national level national data protection law. In order to avoid an incorrect use of PI in any standard or Technical Report, which would cause the application of this standard or Technical Specification to be banned by legal courts, this Technical Report gives guidelines for the CEN/TC 278 Working Groups how to deal with PI in compliance with the legal rules.

Even though specific data privacy protection legislation is generally achieved through national legislation and this varies from country to country there exists a basic set of rules which are common in all European countries. These common rules are defined in the European Directives 95/46/EC and 2002/58/EC in their current versions. Countries not members of the European Union (Switzerland, Norway, Island etc.) have issued national data protection laws, which are very closely aligned to the European Directives. It should also be noted that the European Directives on the protection of individuals (95/46/EC and 2002/58/EC) are regarded as the strongest legal rules around the world.

This Technical Report builds on the content of ISO/TR 12859:2009 but extends the rules and recommendations in order to be as compliant as is reasonable with the European Directives and some of the national data protection laws. This means it is more specific and includes some recent developments and it tries to include some intentions of what the European Commission is preparing to include in a revised and enforced version of the Directive 95/46/EC (the proposed EU proposal of a Regulation of data protection COM(2012)11 final, 2012/0011 (COD)).

# 1 Scope

This Technical Report gives general guidelines to developers of intelligent transport systems (ITS) and its standards on data privacy aspects and associated legislative requirements. It is based on the EU-Directives valid at the end of 2013. It is expected that planned future enhancements of the Directives and the proposed "General Data Protection Regulation" including the Report of the EU-Parliament of 2013-11-22 (P7_A(2013)0402) will not change the guide significantly.

# 2 Terms and definitions

For the purposes of this document, the following terms and definitions apply.

**2.1**
**accountability**
principle that individuals, organizations or the community are liable and responsible for their actions and may be required to explain them to the data subject and others and their actions shall comply with measures and making compliance evident, and the associated required disclosures

[SOURCE: ISO/IEC 24775:2011 Edition:2]

**2.2**
**anonymity**
characteristic of information, which prevents the possibility to determine directly or indirectly the identity of the data subject

[SOURCE: ISO/IEC 29100:2011]

**2.3**
**anonymisation**
process by which personal information (PI) is irreversibly altered in such a way that an Individual or a legal entity can no longer be identified directly or indirectly either by the controller alone or in collaboration with any other party

[SOURCE: ISO/IEC 29100:2011]

**2.4**
**anonymised PI**
PI that has been subject to a process of anonymisation and that by any means can no longer be used to identify an Individual or legal entity

[SOURCE: ISO/IEC 29100:2011]

**2.5**
**committing of PI**
transfer of PI from the controller to a processor in the context of a commissioned work

**2.6**
**consent**
individual's or legal entity's (data subject) explicitly or implicitly freely given agreement to the processing of its PI in the course of which the data subject has been in advance completely informed about the purpose, the legal basis and the third parties, receiving data subject's PI, and all these in a comprehensible form

**2.7**
**controller**
any natural or legal person, public authority, agency or any other body which alone or jointly with others collect and/or process and determine the purposes and means of the processing of PI, independently whether or not a person uses the PI by themselves or assigns the tasks to a processor; where the purposes and means of processing are determined by national or Community laws or regulations, the controller or the specific criteria for his nomination may be designated by national or Community law

[SOURCE: EU-Dir 95/46/EU Art 2 lit d]

**2.8**
**data subject**
any natural or legal person or association of persons whose PI is processed and is not identical to the controller or processor or third party

Note 1 to entry: ISO/IEC 29100 uses this definition for the person of which personal data are used the Principal. The above definition is that one that is used in EU-Directives.

**2.9**
**identifiability**
conditions which result in a data subject being identified, directly or indirectly, on the basis of a given set of PI

**2.10**
**identify**
establishes the link between a data subject and its PI or a set of PI

**2.11**
**identity**
set of attributes which makes it possible to identify, contact or locate the data subject

[SOURCE: ISO/IEC 29100:2011]

**2.12**
**personal information PI**
any data or information related to an individual or legal entity or an association of person or individuals by which the individual or legal entity or association of persons could be identified

Note 1 to entry: The EU-Dir 95/48/EC names in its Art 2 lit. (a) the personal information as "*personal data*" and defines it as: "*any information relating to an identified or identifiable natural person ('data subject'); an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity*".

**2.13**
**processor**
natural person or legal entity or organization that processes PI on behalf of and in accordance with the instructions of a PI controller and if it use PI only for the commissioned work

**2.14**
**sub-processor**
privacy stakeholder that processes PI on behalf of and in accordance with the instructions of a PI processor

**2.15**
**privacy**
right of a natural person or legal entity or association of persons acting on its own behalf, to determine the degree to which the confidentiality of its personal information (PI) is maintained or disclosed to others

[SOURCE: ISO/IEC 24775:2011]