



FEDERATION OF EUROPEAN DIRECT AND INTERACTIVE MARKETING

PUBLIC AFFAIRS & SELF-REGULATION

30 September 2011

To:

Ms. Marie-Helene Boulanger, Head of Unit  
Mr. Jose Manuel De Frutos Gomez, Policy Officer  
European Commission  
DG Justice  
Directorate C - Unit C3

---

Dear Ms. Boulanger,  
Dear Mr. De Frutos Gomez,

Within the context of the drafting of the legislative proposal for the review of the Directive 95/46/EC on Data Protection, FEDMA would like to inform the European Commission of some of our concerns regarding the processing of minor's data.

Mr. Voss mentions the importance of protecting vulnerable persons from unlawful data processing in the European Parliament's own initiative report on a comprehensive approach on data protection. The amendments made by the Committee on Civil Liberties, Justice and Home Affairs on this report emphasize the importance of the protection of children's data in particular. FEDMA agrees with the rapporteur and the Committee that actors should be encouraged in raising awareness concerning the processing of minors' data and that media literacy should be an element in formal education. FEDMA welcomes the Parliament's proposal to co-finance awareness-raising actions on data protection via the Union budget.

The report calls for the introduction of specific obligations and requirements when processing children's data. FEDMA would like to point out that existing legislation is in place protecting vulnerable consumers. The Unfair Commercial Practices Directive states for example that practices that try to take advantage of vulnerable consumers are forbidden and it has blacklisted advertisements directly aimed at getting children to buy products or persuade adults to buy for them are always forbidden. Moreover, Member States individually decide on the most adapted definition for children and minors.

Furthermore, FEDMA would like to stress that the industry has already set high standards regarding the processing and the protection of minor's data. FEDMA's European Code of Practice for the Use of Personal Data in Direct Marketing and its Online Annex hold very strict provisions for the processing of children's data for marketing purposes. As the Code is approved by the Article 29 Working Party it applies directly in all member states since 2003 and has become an accepted business practice. It has specific consent and information requirements and also limits purposes for which children's data can be used. Mr. Voss specifically expresses concern regarding Online Behavioral Advertising. 'In this light FEDMA would like to stress that the European advertising industry has long agreed not to use specific commercial practices in (interest based) advertising aimed at children/minors online and offline.' FEDMA urges upon the Commission to take the important role of self-regulation into account when discussing the need for extra provisions for minors' data protection. Self-regulation has long ensured for a tailor made approach, capable of dealing with industry specific issues when they arise and should therefore be honored as such by the Data Protection Directive.

Please do not hesitate to contact me in case you have any further questions or concerns.

Yours sincerely,

Dieter Weng  
Chairman of FEDMA

**Federation of European Direct and Interactive Marketing**  
5 avenue Ariane, 1200 Brussels, Belgium  
Tel: +32 2 779 42 68 - 778 99 20; Fax: +32 2 779 42 69 - 778 99 22  
E-mail: [info@fedma.org](mailto:info@fedma.org); Web site: <http://www.fedma.org>