

ARTICLE 29 DATA PROTECTION WORKING PARTY

Press Release
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EU data protection group says Google, Microsoft and Yahoo! do not comply with data protection rules

The Article 29 Data Protection Working Party, a group of European data protection authorities, today told the three major search engine operators – Google, Yahoo! and Microsoft – that their methods of making users’ search data anonymous still do not comply with the European Union’s [Data Protection Directive 95/46/EC](#). The Article 29 Working Party recognises the search engines’ efforts to bring their policies in line with European data protection legislation. However, in [letters](#) sent to the companies, the Working Party urges them to use an outside auditor to verify their commitments to make users’ internet search data truly anonymous.

The Working Party, which held its 75th plenary session in Brussels on 10 and 11 May, 2010, sent copies of these letters to the US Federal Trade Commission (FTC) and to Viviane Reding, Vice-President of the European Commission responsible for Justice, Fundamental Rights and Citizenship. In the letter to the FTC, the Working Party asks it to examine the compatibility of search engine practices with section five of the Federal Trade Commission Act, which prohibits unfair or deceptive practices.

The letters follow the Working Party’s call for the companies to cut to six months the period during which they store search data before it is made anonymous. A user’s search history contains a footprint of users’ interests and personal relations. This information can be misused in many ways.

In its letter to Google, the Working Party asks the company to cut the retention period from the current nine months to six months. Considering Google’s dominant position in almost every EU Member State, with a market share of up to 95% in some national search engine markets, the company has a significant role in European citizens’ daily lives. The company’s apparent lack of focus in data retention is concerning.

Fair and lawful processing of personal data by search engines is becoming more crucial due to the explosion and proliferation of audiovisual data (digital images, audio and video content) and the increasing use of location services on the internet.

Background information

The Article 29 Working Party on the Protection of Individuals with regard to the Processing of Personal Data is an independent advisory body on data protection and privacy. It was set up under Article 29 of the Data Protection Directive 95/46/EC and is composed of representatives from the national data protection authorities of the EU Member States, the European Data Protection Supervisor and the European Commission. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC. The Working Party examines the application of national measures adopted under the data protection directives in order to contribute to their uniform application. It carries out this task by issuing recommendations, opinions and working documents.

http://ec.europa.eu/justice_home/fsj/privacy/workinggroup/index_en.htm

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