

The Evolution of the European Privacy and Data Protection Laws: Milestones, Main Actors and Challenges in Policy Making

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The past decade, an explosion of digital media has transformed the way in which we access information and communicate with each other. However, they have also provided governments and corporations with indefinite capabilities to monitor behavior and to collect, analyze and exploit personal information, raising concerns about the right of privacy. Despite these profound changes, privacy and data protection were until very recently regulated in the European area by a legislation that was conceived in the mid 1990's. The European Commission has recently proposed a new data protection Directive and Regulation, in an attempt to update the current legal framework. However, the overall European policy environment seems still to be particularly fragmented, as privacy and data protection are additionally, directly or indirectly, regulated by a large number of soft and hard laws including the European Convention on Human Rights, the Convention No. 108, the European Union Charter of Fundamental Rights and the national implementations of the European Commission laws. This paper is taking a closer look at the history of the European privacy and data protection framework and explores the major policy milestones that preceded the recent legislation. It discusses then the policy process and development that took place, as well as the main actors involved. Finally, the paper discusses the social implications and challenges that are entailed in this effort.