

NEWS RELEASE

Draft General Data Protection Regulation:

European Journalists and Press Publishers urge the Justice Council to maintain current safeguards for Press Freedom in Europe

Brussels, 10 October 2014 – Following the Council's orientation debate on the draft General Data Protection (GDPR) Regulation, journalists and press publishers in Europe urge Member States to prevent any weakening of press freedom and give their full support without delay to **a robust, directly applicable and legally binding exemption for journalistic data processing in Article 80 of the GDPR.**

Such an exemption from data protection rules is **indispensable to ensure that journalists and publishers are able to fulfil their daily mission.** This includes investigating, writing, reporting, publishing, storing and archiving information – and protection of sources of this information - in the interest of all citizens and our democratic society. Journalistic activities, although exempted from specific chapters of the GDPR, would continue to be regulated by Member States' national libel, defamation and media laws, including those relating to privacy and other fundamental rights, which are guaranteed in each Member State.

EFJ, the European Federation of Journalists, ENPA, the European Newspaper Publishers' Association, EMMA, the European Magazine Media Association and EPC, the European Publishers Council, have raised serious concerns that the **existing level of protection guaranteed by the current Data Protection Directive is at risk of not being maintained¹.**

At present, Member States are obliged to provide for exemptions or derogations from specific Chapters of the existing Directive for the processing of personal data carried out for journalistic purposes. The Council's latest proposal to amend Article 80 of the GDPR does not ensure this minimum guarantee for press freedom and journalism. On the contrary, the Council text only requires Member States' law to merely "reconcile" the right of the protection of personal data with the right to freedom of expression. Such a wording would open the door to more restrictions on press freedom under the GDPR, as it removes any obligation for Member States to exempt journalistic data processing from the relevant Chapters of the text and would thus, in effect allow governments to apply any of the GDPR's provisions to journalistic works and editorial press content.

¹ See petition by journalists and publishers associations: <https://www.change.org/petitions/art80>

Failing to exempt journalistic data processing would for example mean that journalists would need the consent of a politician in the case that they want to report about him or her, or would need to delete a respective article on the basis of the right to be forgotten; journalists would need to inform any concerned “data subject” about articles before they are published; journalists would be obliged to reveal their sources; and archiving articles without prior consent would be against the law. It therefore goes without saying that **press freedom requires the possibility to process personal data without prior consent by a data subject.**

By leaving such a broad and unclear discretion to governments in the EU, **editorial teams of newspapers, magazines and other media will be subject to data protection law and therefore to the control of national data protection authorities.** Moreover, Member States willing to protect journalistic data processing might even be hindered to do so since it is not clear which form of reconciling “pursuant to the Regulation” would be in line with European law.

While we support a harmonised data protection law ensuring better protection of citizens’ data, it would be a dangerous step back for European democracies to sacrifice press freedom in the process.

For these essential reasons, journalists and press publishers in Europe urge Member States to reconsider Article 80 as it was originally presented by the **Commission in its proposal for a GDPR.** This must be the absolute minimum to protect at least the status quo of journalistic press and media freedom in the EU.

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