

## AMENDMENT FORM

### Suggestion for amendment of Article : 36a

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Status : - Members

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### Article 36a: Protection of personal data

1. Everyone has the right to the protection of personal data concerning him or her.
2. The Parliament and the Council, in accordance with the legislative procedure, shall adopt the rules relating to the protection of individuals with regard to the processing of personal data by the Union's institutions and bodies, and by the Member States when carrying out activities which come under the scope of Union law, and the rules relating to the free movement of such data.
3. **A European Data Protection Supervisor shall be appointed, in accordance with the provisions in Art. XYZ of Part II of this Constitution, to monitor the processing of personal data by the Union's institutions and bodies and to receive, investigate and decide about complaints concerning such processing.**

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### Explanation (if any) :

*The comment to par.2 should be complemented:*

*“Paragraph 2 is based on the current Community system (Directive 95/46/EC on data protection<sup>1</sup>, based on Article 95 TEC for Member States' activities and on **Regulation 2001/45/EC**, based on Article 286 TEC applicable to the institutions).*

*Ad new par.3: In the same way as the European Ombudsman, the European Data Protection Supervisor – established according to Art.286 TEC - should be mentioned in Title VI of the Constitution, either by adding a par. 3 to Art.36a or by creating an Art.36b.*

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<sup>1</sup> Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, OJ L 281, 23.11.1995, p. 31.