

Germany v Britain tussle over new EU data privacy rules



*On the back of PRISM and the US surveillance scandal, the Germans are pushing hard to get the toughest possible outcome in the new EU data privacy rules that are currently making their way through the European Parliament. As **Monica Horten**, policy analyst and writer of lptegrity.com argues, that positioning puts them directly in conflict with the Brits, who take a more pro-industry stance and really don't want the new law at all – at least, not in its current format.*

In Germany, a country that has always been conscious of data protection issues, the matter of the new European data privacy rules has become entangled in election politics. Germans will vote in a federal election on 22 September. The PRISM scandal has taken on a local flavour as the Germans discovered that their own data was being transferred to the NSA, and the possibility that the British were listening in too. So much so that is a dominant election campaigning issue.

Germany's Chancellor Angela Merkel has come in for criticism over the PRISM affair, that she has not been tough enough with the Americans.

Opposition Socialist parties in Germany are demanding that sanctions are available to punish telecoms firms who give data to foreign powers. They also want Chancellor Angela Merkel to get written guarantees that German laws will be adhered to by US organisations, and that German interests will be protected. By this, they mean that there should be no commercial espionage. It has even been suggested that foreign firms who fail to comply with EU law could be banned from operating in Germany.

German companies are reportedly becoming anxious about the security of their data in the PRISM context.

The German opposition parties want the European Union to set the ground rules for the online surveillance activities of foreign intelligence services.

They are calling for the new EU Data Protection Regulation to take on board some tough measures that would deal with both corporate use of private data, and the spying activities of the United States.

And that is where the Germans and Brits divide. Britain is generally perceived to be more industry-friendly and in some European eyes, has the weakest protection for personal data. As reported previously in [lptegrity](http://lptegrity.com), Britain does not like the use of the Regulation as the legal instrument. (See [EU data privacy reform "in the mire" says UK Minister](#)).

At the moment, the Germans may just have the upper hand. They have the rapporteur in the European Parliament – although he is a Green, hence from a smaller party group. They have the backing of the Commission. They are attempting to garner the majority in the Council of Ministers. There have even been attempts to dismiss the Brits from the argument, but it's unlikely that Whitehall will back off so easily.

Until the Council votes – which means it will have to have come to some sort of Common Position – we can look forward to a pugnacious political tussle.

This article was put together with the help of the following articles:

Der Spiegel

German Minister Floats US Company Ban

German Firms Scramble to Boost Data Protection

Die Zeit

Opposition fordert "klare Kante" der Kanzlerin

Abgehört und ausgetrickst

Heute

Die Glasfaser- Schnüffler

*Note: This post **originally appeared** on 6 August 2013 at lptegrity.com and is re-posted here with permission and thanks. This article gives the views of the author, and does not represent the position of the LSE Media Policy Project blog, nor of the London School of Economics.*

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