

## AMENDMENT FORM

**Suggestion for amendment of Article :** Addition: Article: III-3a (Data Protection) replacing I-50

**By Mr Hain**

**Status :** Member

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### **Addition: Article: III-3a (Data Protection) replacing I-50**

1. A European law shall lay down rules on the protection of individuals with regard to the processing of personal data by the Union's institutions and bodies, and on the free movement of such data, except for purposes falling within Sections 4 and 5 of Chapter IV [Area of freedom, security and justice] and Title V [CFSP, defence etc].
  2. A European Framework law shall lay down rules on the protection of individuals with regard to the processing of personal data in the Member States, and on the free movement of such data, for the purpose of activities which fall within the scope of Union law except for purposes falling within Sections 4 and 5 of Chapter IV [Area of freedom, security and justice] and Title V [CFSP, defence etc]
  3. A European framework law of the Council shall lay down rules on the protection of individuals with regard to the processing of personal data, and on the free movement of such data, for purposes falling within Title V [CFSP, Defence etc], taking full account of the special nature of the activities carried out under it. The Council shall act unanimously after consulting the European Parliament.
  4. A European framework law of the Council shall lay down rules on protection of individuals with regard to the processing of personal data, and on the free movement of such data, for purposes falling within Sections 4 and 5 of Chapter IV [Area of freedom, security and justice], taking full account of the particular requirements of law enforcement and judicial processes. The Council shall act unanimously after consulting the European Parliament.
  5. This article shall not affect the exercise of responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of their national security. Laws and framework laws on the processing or movement of personal data, adopted under this article or any other provision of this Constitution, shall take full account of those responsibilities.
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**Explanation (if any) :**

*We propose to add this article, based on Directive 95/46/EC as a replacement for Article I-50.*