



2020/2018(INL)

6.4.2020

DRAFT OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on the Internal Market and Consumer Protection on Digital Services Act: Improving the functioning of the Single Market (2020/2018(INL))

Rapporteur for opinion (*): Paul Tang

(Initiative – Rule 47 of the Rules of Procedure)

(*)Associated committees – Rule 57 of the Rules of Procedure

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SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Underlines that digital services and their underlying algorithms need to fully respect fundamental rights, especially the protection of privacy and personal data, non-discrimination and the freedom of speech and information, as enshrined in the Treaties and the Charter of Fundamental rights of the European Union; calls therefore on the Commission to implement an obligation of transparency and explainability of algorithms, and the possibility of human intervention, as well as other measures, such as independent audits and specific stress tests to assist and enforce compliance;
2. Emphasises that the rapid development of digital services requires strong legislation to protect privacy and a reasonable duty of care to ensure digital dignity; stresses therefore in this regard that all digital services need to fully respect Union data protection law, namely Regulation (EU) 2016/679 of the European Parliament and of the Council (GDPR)¹ and Directive (EC) 2002/58 of the European Parliament and of the Council (ePrivacy)², currently under revision, and the freedom of expression;
3. Recommends Commission to work on harmonising the national personal identification sign-ins with a view to creating a single Union sign-in system in order to ensure the protection of personal data and age verification, especially for children;
4. Points out that biometric data is considered to be a special category of personal data with specific rules for processing; notes that biometrics can and are used for identification and authentication of individuals, which entails significant risks to and interferences with the right to privacy and data protection, as well as enabling identity fraud; calls on the Commission to incorporate in its Digital Services Act an obligation to always give users of digital services an alternative for using biometrical data for the functioning of a service, and an obligation to clearly inform the customers on the risks of using biometric data; stresses that a digital service may not be refused where the individual refuses to use biometric data;
5. Notes the potential negative impact of micro-targeted advertising and of assessment of individuals, especially on minors and other vulnerable groups, by interfering in the private life of individuals, posing questions as to the collection and use of the data used to target said advertising, offering products or services or setting prices; calls therefore on the Commission to introduce a limitation on micro-targeted

¹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

² Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).

advertisements, especially on vulnerable groups, and a prohibition on the use of discriminatory practices for the provision of services or products.