

**FRENCH NATIONAL CONSUMER COUNCIL**  
**(CONSEIL NATIONAL DE LA CONSOMMATION – CNC)**  
**POSITION ON THE PROTECTION OF**  
**PERSONAL CONSUMER DATA**

In its resolution of 20 May 2008 on EU consumer policy strategy (2007/2189(INI)), the European Parliament recommended that "*data protection and privacy rules should be included in any consumer strategy*".

At the end of 2008, the Minister of State for Consumer Affairs, Mr Luc Chatel, referred this matter to the CNC.

The CNC therefore set up a working group to review the subject of personal consumer data protection.

The group's remit included several targets, including establishing an overview of consumer-related personal data collection from a legal, economic and practical standpoint, and of studying means to improve the guarantees afforded by the protection of personal consumer data and the effectiveness of this protection.

This group met on five occasions between February 2009 and April 2010. In November 2009 an agreement was reached on the contents of a progress report that presented the CNC with observations that may be made in this field.

Discussions between consumers and professionals within the group then made it possible to reach an agreement on the points contained in this CNC position.

Although it is based on the observations contained in the progress report, this position does not reiterate them. The definitive report that is associated with this position includes a presentation of the work carried out, the progress report and summary pages that list the points that the colleges wished to investigate in more depth or on which they wished to provide specific enlightenment, in particular with a view to the next cycle of work in 2012.

This position represents the first part of the contribution that the CNC wishes to make to current efforts to increase the protection of personal consumer data in France.

The issue of this protection arises at the various stages through which data passes (collection, processing, storage, multiple uses, etc.). Improvements to this protection should be sought, regardless of the communication methods and storage media used (paper, telephone or internet).

Consumer activity is currently structured around a gradual move from a goods-driven economy to a services-driven economy, as a result of the generalisation of new information and communication technologies, the development of e-trade and the worldwide circulation of data.

In its findings, the working group stressed the contribution made by these new practices to both consumers and businesses, as well as the misuses and concerns generated by this trend:

- During the fourth quarter of 2009, the number of French internet users<sup>1</sup>, which has been continually rising since 2006, reached 34.6 million. In parallel, the number of online shoppers<sup>2</sup> rose even more, reaching 24.4 million in the fourth quarter of 2009, which represents 2.1 million additional online shoppers in one year.

More than 7 in 10 internet users (70.5%) had already made an online purchase by the fourth quarter of 2009, compared to 67.9% in the fourth quarter of 2008. 60.4% of internet users trusted online purchasing in the fourth quarter of 2009<sup>3</sup>. Only 8% of internet users abandoned their shopping basket as a result of not giving their personal and/or bank details<sup>4</sup>.

More than 4 in 10 French people (45.6%) had already made an online purchase compared to 42.2% in 2008. There are many reasons to avoid online purchasing. In particular, some consumers feel the need for physical contact with the goods before and during their purchase, or prefer going to shops as part of a lifestyle choice.

- However, a study performed in August 2008 as part of a research contract for the European Commission, using a sample of 2,014 young French people who were representative of persons aged 15 to 25, showed that only 15% of them stated that they agreed fairly strongly with the idea that, in general, the internet is a safe, secure environment for transactions, whereas 25% of them challenged this idea fairly strongly<sup>5</sup>. We can therefore see a lag between the concerns expressed in an age group that is nonetheless open to new technologies, and the behaviour of an increasing number of French people.

The same university source identified a fear, which is shared by 50% of young French people, of receiving unsolicited offers, despite a legal framework that is meant to be extremely protective and advanced. Thus, Article L. 34-5 of the French Postal and Telecommunications Code, which was introduced into French legislation by the Law of 21 June 2004 on Trust in the Digital Economy, makes electronic canvassing contingent on the prior consent of the person canvassed.

- Various sources (such as the French Data Protection Authority ("CNIL") and consumer movements) makes reference to complaints by consumers, as well as consumer questions or concerns, however it is not possible to assess the overall extent and quantity of this phenomenon. This subject was covered in the third part of the progress report, which is appended to the definitive report.

► **Proposal no. 1.** – *The CNC wishes to see an improvement in the collection of data on consumer complaints, questions or concerns over time, not only in order to make a better assessment of the situation, but also to receive much faster feedback on developments.*

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<sup>1</sup> Internet users: individuals aged 11 or more who went on line during the last 30 days.

<sup>2</sup> Online purchasers: internet users who had already made an online purchase.

<sup>3</sup> Source: *Fédération de l'e-commerce et de la vente à distance (FEVAD) - Médiamétrie - Observatoire des Usages Internet - Tous lieux de connexion - 4ème trimestre 2009* - Copyright Médiamétrie

<sup>4</sup> Online payment services, FEVAD – Médiamétrie/Netratings, 14 May 2008.

<sup>5</sup> Work performed between 2006 and 2009 by Ms Caroline Lancelot-Miltgen, an associate professor of management sciences at Angers University, in liaison with the CNIL (French Data Protection Authority) and the European Commission (Lusoli W. and Lancelot Miltgen C. (2009), Young people and emerging digital services: an exploratory surveys on motivations, perceptions and acceptance of risks, JRC Scientific and Technical Reports EUR 23765 EN, W. Lusoli, R. Compañó & I. Maghiros (Eds.), Available from <http://ftp.jrc.es/EURdoc/JRC50089.pdf>)

In parallel to the aforementioned Article of the French Postal and Telecommunications Code, Article 7 of the French Law of 6 January 1978, as amended, relating to data processing, computer records and freedom (French Data Protection Act), also provides for obtaining the consent of the person concerned by the data collection, in accordance with Directive 95/46/EC of 24 October 1995. Other circumstances are covered by this Article 7, in particular the implementation of pre-contractual measures adopted at the request of the person concerned or the performance of a contract to which the consumer is a party.

In numerous situations (such as after-sales services, electronic communications services or use of means of payment), performing a contract entered into with a consumer is inconceivable without the disclosure of the consumer's personal data. In these types of situations, it is thus impossible for there to be specific consent with respect to the disclosure of personal data.

However, while obtaining consumer consent has certain limits, Article 38 of the French Data Protection Act defines a right of objection that may be exercised either before or after the processing of personal data, for legitimate reasons. Moreover, in the area of commercial canvassing, the person concerned can exercise this right at any time, at no cost, and without having to provide any specific reason.

It is important to be able to apply these provisions, and for their implementation to be straightforward and timely, which depends on proper understanding by all the stakeholders. Indeed, in 2010, the efficacy of data and privacy protection has become as much a condition on which the development of personal freedom is contingent, as a key factor in establishing consumer trust.

In response to this situation, the CNC considers that the protection of personal consumer data is based on two tenets:

- the existence of a legal framework that has substantive rules as well as regulatory mechanisms that guarantee the efficacy of these rules;
- the development of a cultural or ethical approach: the protection of personal consumer data requires the stakeholders to know the rules of law, as well as understand these rules and comply with them. Progress in the field of personal consumer data protection and rebuilding a feeling of trust will be contingent on the emergence of a culture and types of behaviour that are adapted to the digital economy.

Consequently, it is important for educational initiatives, as well as campaigns to raise awareness and provide information, to be implemented with the participation or support of all the parties concerned (professionals, the CNIL, the administrations, as well as consumer institutions and associations), so that consumers are involved in a drive to secure control over their personal data.

In parallel, it is necessary to increase moves to raise companies' awareness of the strategic issues connected to ensuring the security of personal data, and the related legislative and regulatory environment. This necessary pedagogical approach by companies means providing information that is adapted, as well as identifying and disseminating best practices that are likely to boost consumer trust in the protection of their personal data.

At institutional level, the CNC, while emphasising that the CNIL is at the heart of the data protection system in the national framework and can only perform its role by being given the resources it needs (cf. *infra*), considers that the efficacy of the CNIL's actions to ensure compliance with the rules on personal data protection also depends on the relays it needs to find in civil society and in businesses.

Progress in this area will thus result equally from the clarity of the law, the knowledge the stakeholders have of the law and the extent to which they can embrace a digital economy culture that respects privacy. The CNC wishes to point out two pitfalls, which it invites consumer sector stakeholders to avoid as follows:

- firstly, businesses should not assume that everything a communication technique makes possible in terms of profiling and canvassing clients can be reasonably pursued; the CNC advises businesses to take into account the aggregate impact of multiple canvassing attempts on consumers: the CNC's opinion is that professionals must, in their own interest, anticipate problems in protecting consumers' privacy and tranquillity, be selective in the promotion of their offers and adopt a more quality- than quantity-based approach in their advertising initiatives;
- secondly, consumers should not reject or shy away from a new technology on the grounds that it is sometimes used as a medium for wrongful practices by certain professionals; the CNC wants consumers to be able to receive effective training to protect themselves against risks; the CNC proposes that they trust controlled technological innovations, which, when used correctly, make it possible to improve the relevance of their information on offers, expand their freedom of choice and increase their satisfaction.

Lastly, the CNC, having observed that data protection has an international, cross-border dimension, for which a strictly Franco-French approach is not suitable, wishes to state its commitment to the originality of the European model for personal data protection. The CNC also underlines the need to draw up international standards for the protection of privacy and notes that a resolution along these lines was already adopted by 80 data protection authorities, including the French CNIL, at the 31<sup>st</sup> International Conference of Data Protection and Privacy that was held in Madrid from 4 to 6 November 2009.

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## **1 Actions to raise awareness of the issue of personal consumer data protection**

### *1.1 Raising awareness among consumers and educating consumers*

#### 1.1.1 Raising awareness among consumers

The CNC emphasises the many aspects of raising consumer awareness of the issue of their personal data protection.

Raising awareness in this way is based on an inseparable combination of the dissemination of objective, vital information and proper understanding by each consumer of the stakes linked to the use of this information in different situations.

#### **► *Proposal no. 2. - Firstly, it is important for consumers to be informed of their essential rights.***

Consumers who have been properly informed know that they have rights to their personal data, in particular, a right to challenge the collection and use of data that concerns them (a right of objection – with no need to provide a reason – for commercial canvassing, and for a legitimate reason in other cases); consumers must be able to exercise these rights.

Well-informed consumers have therefore learned, for example, that it is abnormal to receive unsolicited commercial offers from unknown professionals by email, fax or automatic telephone call, seeing as they should have consented to this.

► **Proposal no. 3.** - Consumers must be warned of the risks involved in improper use of their personal data.

Consumers must be encouraged only to respond favourably to requests to disclose their personal data when this is found to be necessary or wanted, i.e., primarily, when disclosing personal data is required in order to conclude or perform a contract, or to obtain information from professionals they trust, on offers of products and services that correspond to their expectations.

Similarly, all persons must be made aware of the risks caused by the voluntary disclosure of information concerning their personal life or another person's personal life, in particular via online social networks. Some of this information could be used improperly by third parties for entirely non-professional reasons, and may also possibly be exploited for commercial purposes. In any event, the correct assessment of the risks for privacy and tranquillity that result from a poorly controlled disclosure of personal data to professionals is inseparable from becoming aware of the even greater risk that results from a direct, imprudent, online breach of privacy.

► **Proposal no. 4.** - *Consumers must also be able to access information on the traces they are liable to leave on line and on the possibilities of adjusting their browser preferences to facilitate the management of these traces, in particular<sup>6</sup>, and if they so wish, for them to be able to limit or avoid these traces being used for personalised advertising purposes.*

► **Proposal no. 5.** - *These various pieces of general knowledge and these recommendations could be the subject of information campaigns that are broadcast on the radio or television, take the form of online visual animations, or be summarised on hard copy media, or even downloaded, given the difficulty of finding printed information when it is most needed. Information campaigns and the other initiatives taken to draw consumers' attention to these matters requires the competencies of numerous stakeholders, in particular National Consumer Institute consumer associations, the DGCCRF and professionals.*

In addition to the issue of this general information, there is the question of the specific information that each professional or website must give on its privacy protection policy.

► **Proposal no. 6.** - *In this regard, the CNC recommends that businesses and websites take steps to make it easy to access and locate their specific rules on the protection of privacy.*

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<sup>6</sup> The issue of traces left online involves many other areas besides consumer behaviour.

The CNC would like a fair balance to be struck between the search for relative consistency from one site to another<sup>7</sup>, and the desire not to hinder the progress of information methods, in a context of never-ending changes to the characteristics of browsing the internet.

The CNC requests that the information given by each business or website on its own rules for privacy protection be presented simply and in way that is understandable (for example, using a sub-site, a link on the home page, an icon or any other specific means). The aim of this information should be to answer certain questions, such as the criteria that determine for how long data is stored and the ways in which data is used in ordinary situations. The information provided by each business must also contain all the concrete indications consumers need in order to be able to assert their rights to the data that concerns them, if they so wish.

Directive 2009/136/EC provides for an amendment to the rules that apply to cookies, small files that are left on web users' hard drives for technical reasons (to make browsing more streamlined) or advertising reasons (to identify internet users' browsing habits and thus be able to provide them with advertising that corresponds to their preferences).

► **Proposal no. 7.** - While waiting for this Directive to be transposed, which should be the case by 25 May 2011, and without prejudice to the provisions contained in proposed law no. 2387 that aims to improve the guarantee of privacy in the digital era, which was adopted by the French Senate on 23 March 2010, *the CNC recommends that as soon as this position is issued, data processing managers ensure that internet users have specific, clear, accessible and permanent information on the placing of cookies, the purpose of cookies and how they work, as well as the various means to delete them and, possibly, on the consequences of deleting them.*

► **Proposal no. 8.** - *It also appears preferable for research to be undertaken to provide consumers with technical means to facilitate their choice with respect to cookies.*

### 1.1.2 Educating consumers on the protection of their personal data

Only 33% of young people are aware of their rights with respect to personal data. A mere 18% are aware of the existence of national data protection control authorities<sup>8</sup>.

► **Proposal no. 9.** - *The CNC supports the idea a specific module on the means available to each person to have control over their public image, on the dangers of exposing themselves and other persons, on the rights defined by the French Data Protection Act, and on the powers of the CNIL being included in civic education.*

► **Proposal no. 10.** - *As a complement, the CNC makes a more general recommendation that, from now on, all practical training in the field of information technology, regardless of the framework, should cover the subject of privacy protection and specify concrete means of ensuring this protection, with a view to each consumer securing control over the disclosure of his or her personal data.*

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<sup>7</sup> This desire for consistency leads us to suggest that the words "protection of privacy" should always appear on the home page, but that this sub-site should be easily accessible in other situations, which could require, for example, the use of pop-up windows, as internet users often skip the home page.

<sup>8</sup> Eurobaromètre survey based on a sample of young people aged 15 to 24 and quoted in the information report by Senators Yves Détraigne and Anne-Marie Escoffier, which is appended to the minutes of a Senate session of 27 May 2009.

The CNC wishes to emphasise the general scope of this recommendation with respect to:

- the definition of the teaching material intended for young people and that is used, in particular, in extracurricular, educational or leisure contexts;
- the design of IT activities that are offered in various forms to adults or older persons.

### *1.2 Raising awareness and teaching in businesses*

The CNC considers that providing quality information to businesses and assisting them in the implementation of the legal system for the protection of consumer data should be developed. The efficacy of these rules is contingent on information being provided to businesses. In conjunction with steps to ensure the regulation of how professionals use consumer data, this must contribute to building consumer trust.

The CNC emphasises that the protection of personal consumer data is not limited to the issue of the implementation of the law or to professionals and consumers securing control over their exchanges of personal information: there is another aspect of the subject, namely the security of data, which involves preventing accidental disclosures of personal information caused by negligent management of data and data storage media, as well as vigilance over intrusions and theft by unscrupulous third parties.

Article 34 of the French Data Protection Act defines the obligations to which data processing managers, and in particular professionals, are bound in light of these risks. Senate proposed law no. 2387 that aims to improve the right to privacy in the digital era provides for a reinforcement of these obligations and the definition of a rule to report processing breaches to the CNIL, and for information of the persons harmed by these breaches. The legal rules concerning the security of networks, processing and data are moreover specified by Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009.

The best solution is to avoid serious risks wherever possible. The CNC recommends that businesses take concrete steps in this regard, with a view to averting the risks of personal data piracy.

► **Proposal no. 11.** *On their side, professionals in the internet sector must contribute to the creation of a framework that is favourable to the introduction of more efficient technologies for data protection, taking into account all the aspects of the subject, including the risks of improper uses of these technologies by a very small minority.*

► **Proposal no. 12.** *- Raising awareness among businesses of all the aspects of privacy protection means training personnel. The CNC recommends that training programmes that already exist in companies be completed by specific models for employees who have access to personal consumer data, or who are responsible for processing data, or who are involved in designing and defining services supplied to clients or how new clients are canvassed.*

► **Proposal no. 13.** - *The CNC proposes that the parties concerned invest in raising awareness among businesses and assisting businesses on this subject. In this regard, the Mouvement des entreprises de France (French Business Federation - MEDEF) has undertaken to publish a guide intended for professional organisations and businesses of all sizes and in all sectors, in order to improve information on and knowledge of the legislative and regulatory environment and to present examples of best practices.*

► **Proposal no. 14.** - *As a logical continuance of this initiative and on the same basis, the CNC recommends that information campaigns be carried out by industry group and professional organisations, for the benefit of their member businesses.*

► **Proposal no. 15.** - *The CNC also recommends the development of voluntary initiatives by business for the protection of personal consumer data, in particular in the form of best practice codes for industry groups coupled with systems that make it possible to measure the efficacy of the undertakings made and to control whether or not they are applied correctly. Certification and standardization are also more demanding avenues to explore.*

► **Proposal no. 16.** - *Moreover, the CNC considers that developing signs of trust or labels that make it possible to identify businesses that commit to ensuring transparency and guaranteeing consumers' rights with respect to the use of their data, should be encouraged. These signs of trust and these labels can only have positive effects if they are combined with systems that make it possible to measure the efficacy of the undertakings made and to control whether or not they are applied correctly.*

► **Proposal no. 17.** - *Subject to feasibility, the CNC recommends that businesses with websites set up accessible, fast, unambiguous electronic procedures for consumers that allow them to exercise their right of objection to the use of their data for commercial canvassing.*

With respect to the exercising of rights to access and correct data, the CNC emphasises that it is necessary to conciliate the security of the procedure (which is contingent on confirming the consumer's identity) with its efficacy. When defining practical rules, it is necessary to take into account the nature of the data (to what extent the data is sensitive) and the processing risks, as part of a proportionate approach.

► **Proposal no. 18.** - *Lastly, in terms of the method, the CNC stresses the interest for businesses in taking into consideration the issue of the protection of consumers' privacy upstream of the definition of client products and services.*

## **2 Personal data protection: the stakeholders**

### *2.1 The Commission nationale de l'informatique et des libertés (French Data Protection Authority - CNIL)*

The CNC considers that the resources allocated to the CNIL are insufficient, in light of the growing importance of the assignments entrusted to this authority and in comparison with the resources available to similar institutions in other countries.

Admittedly, the CNIL's efficacy is increasing. The number of controls performed by the CNIL rose by 500% between 2004 and 2009, whereas its staff was only increased by 60% over the same period.

However, this is not enough. In 2008, the CNIL only had 120 officers, compared to 400, 300, 270 and 160 respectively for its German, Canadian, British and Spanish counterparts. In 2009, the CNIL headcount reached 130 officers<sup>9</sup>.

The CNC wishes to emphasise that, in addition to the CNIL's work in the field of public freedoms, which dates back to its origins more than thirty years ago, its remit now include key economic issues, and in particular that of maintaining a framework that allows the French people to obtain information from professionals and to make purchases without being concerned about the use made of the personnel data they disclose in the process. The cultural and ethical approach defined by this position can only be effective if the associated regulations are also effective, able to form an expert opinion on the new issues that arise and able to penalise offenders whose behaviour is prejudicial to all market players.

► **Proposal no. 19.** - *While it is not up to the CNC to define the ways in which the CNIL resources must necessarily be strengthened, in contrast the CNC can state that objectives which it appears necessary to pursue and ideally attain:*

- make the CNIL more visible, more accessible to consumers and closer to the consumer defence associations;
- give the CNIL the possibility of communicating via different media (Internet, television, radio, printed press, distribution of leaflets in town halls, *préfectures*, internet training centres and cybercafés, for example);
- strengthen the CNIL's expertise and control capacities, in a context of accelerated technological changes;
- facilitate exchanges between the CNIL and stakeholders in the economic world and civil society, and make them more extensive and systematic.

► **Proposal no. 20.** - *Moreover, the CNC would like the membership of the CNIL college to guarantee that competencies are taken into account in the field of consumer issues and new technologies.*

## 2.2 Data protection officers

Data protection officers ("CIL"), who are generally employees of the companies where they perform their duties, provide independent assurance of the application of the French Data Protection Act. It is mandatory to consult them before implementing data processing and they can make recommendations to the data processing managers in the company where the officers work. Data protection officers supervise the investigation of complaints, check that personal data rights are not violated, are entitled to act as whistleblowers, give opinions on employee training and make periodic reports on their activity available to the CNIL.

The CNC notes that, where they are present, data protection officers are a recognised system that fulfils its role to disseminate a culture of "IT data protection" in businesses. The CNC notes the shared interest of professionals, consumers and users with regard to data protection officers in the current context, in which they are optional.

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<sup>9</sup> Information report by Senators Yves Détraigne and Anne-Marie Escoffier and information updates provided by the CNIL.

With the benefit of experience, choosing the data protection officer system has turned out to be particularly adapted to the situation of large corporations that voluntarily wish to use the option and exploit a significant mass of personal data obtained from clients and prospective clients. This option also has the advantage of making businesses that use data protection officers for the definition of their IT processing more responsible.

► **Proposal no. 21.** – *In light of these positive observations, the CNC can only see benefits in more businesses appointing data protection officers, in particular according to the sensitivity and volume of the data processes. The positions expressed by the members of the CNC on the means to achieve this are set out in the report that is attached to this position.*

► **Proposal no. 22.** – *For businesses that do not have data protection officers, the CNC recommends identifying a point of contact in order to ensure that consumers are informed of and can exercise their rights to their personal data. This point of contact must be easily accessible for consumers.*

### 3 The legal framework for the protection of personal data

#### 3.1 The French and European framework for the protection of personal data

▪ The CNC notes that consumers are concerned when contacted by email or letter by professional who they do not know and yet who are in possession of their personal contact details.

There can be various causes of this situation. In some cases, the professional who is not known to the consumer has obtained the consumer's contact details by buying or hiring a file initially constituted by another professional for the purposes of his/her own commercial canvassing.

► **Proposal no. 23.** - *The CNC therefore recommends that businesses that request consumers' consent to send commercial offers electronically, as provided for by law, dissociate the consent to receive offers from the business itself and the consent to receive offers from partner businesses of the first business in order to avoid any confusion in the consumers' minds with respect to the scope of their consent.*

▪ The definition of the concept of personal data, which is a tenet of data protection law, is contained in Article 2 of the French Data Protection Act, as amended<sup>10</sup>. The subtleties of this definition should be emphasised, which includes situations where the identification of the person is potential and the person can be identified indirectly.

Technological developments lead us to questions whether certain data should be categorised as personal data. This is the case of IP addresses, which identify internet connection terminals.

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<sup>10</sup> "Personal data may comprise all information concerning a natural person who is identified or who can be identified, either directly or indirectly, by reference to an identification number or one or more pieces of information that are specific to that person. In order to determine whether or not a person can be identified, all the resources used or accessible by the processing manager or any other person with a view to enabling the identification of the person should be taken into consideration".

The same IP address can correspond to several terminals and several users, and therefore does not always make it possible to identify a natural person directly and systematically. Wireless connection technologies for IT hardware (Wi-Fi), the range of which often extends beyond personal homes, causes an additional doubt as to the identity of the user of an IT terminal.

The fact remains that in certain concrete situations, in particular in light of the traces left by online activity (use of certain email clients, online purchases made using credit cards and disclosure of other personal information by the user), an IP address can be cross-checked against other information used as a body of evidence that makes it possible to identify a person.

► **Proposal no. 24.** – *Given the discussions that have taken place and the stakes in terms of personal data protection, the CNC requests that the public authorities help clarify the legal scope of IP addresses. The positions expressed by the members of the CNC on this subject are set out in the report attached to this position.*

### 3.2 *The worldwide framework for data protection*

In the context of the global circulation of data, the efforts made at national or European level will not be sufficient if worldwide data protection standards are not defined and combined with international cooperation procedures to fight against malevolent persons.

► **Proposal no. 25.** - *The CNC considers, in particular that spam, in all its forms, is a plague for internet users and undermines consumer trust. It considers that anti-spam initiatives warrant reinforcement both at national and international level.*

► **Proposal no. 26.** - *Accordingly, the CNC considers that spam notification platforms (in particular Signal Spam, which is based on a public and private partnership, and also the telephone number 33 700 for mobile telephone text messages<sup>11</sup> etc.), should be developed and extended at international level in order to make combating spam and its derivatives more effective.*

Lastly, the CNC stresses the usefulness of the concerted efforts made by representatives of civil society at world level to influence the definition of international rules on personal data and to facilitate the effectiveness of these rules.

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<sup>11</sup> More commonly called SMS, an abbreviation of Short Message Service.

## Conclusion

All the guidelines in this position, whether concerning principles or in the form of practical recommendations, are inspired by the desire to promote consumer behaviour that is freely chosen, which respects and encourages consumers' individual freedom, regardless of their economic or social position and their means of access to the internet.

These guidelines also take into account the economic reality and practical conditions under which businesses are run. They are based on the idea that if any action taken to enable change in cultures and behaviour encounters obstacles from the outset, the resulting achievement then makes it possible to cause the stakeholders to react responsibly, creatively and innovatively when faced with the new problems that arise.

There is no doubt that future technologies for collecting, using, disclosing and storing data and future corporate innovations to implement these technologies, while offering additional possibilities to consumers who access them, will raise new issues in the field of personal data protection.

► **Proposal no. 27.** - *The consumer college and the professional college, which consider that this first cycle of work was fruitful, undertake to meet again to review these new issues when the time comes, within the framework of the CNC. In liaison with the CNIL, in the first half of 2012, the CNC will draw up a report on the implementation of this position. The CNC will review the changes in the legal framework that have taken place at national, European and world level, as well as the new issues raised by technological innovations subsequent to the publication date of this position.*