

EU Directives

Law

[EU Directive 2006/24/EC](#) (retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC)

- Amends Directive 2002/58/EC
- Specifies retention requirements of a minimum of six months and a maximum of 2 years for data that identifies the source, destination, time, duration, and other details of certain communications
- Applies to Internet access, email, and fixed, mobile, and internet telephony

[EU Directive 2002/58/EC](#) (concerning the processing of personal data and the protection of privacy in the electronic communications sector)

- Prior consent of the recipient must be obtained prior to sending an email for the purposes of direct marketing
- Recipients must be given the opportunity to opt-out from further communication at the time of the sale of a product or service
- Messages to prior customers of a product or service must be given an opportunity to opt-out of further communication in every marketing email
- Messages must not conceal or disguise the identity of the sender
- Messages must contain a valid return address that allows recipients to opt-out from future communications
- *Prior consent of the data subject must be obtained before collecting or storing data from a subscriber's or user's computer*
- *A data subject must always have a way to withdraw their consent to the collection of data*

[EU Directive 2000/31/EC](#) (legal aspects of information society services, in particular electronic commerce, in the Internal Market)

- Data subjects must be informed before their personal data is used for direct marketing purposes
- Data subjects must be provided a cost-free means to opt-out of data processing and data disclosure for marketing purposes

- Data subjects must be informed before the first instance that their personal data is transferred to a third party
- Data subjects must be provided a cost-free means to opt-out of data transfer to a third party

[EU Directive 95/46/EC](#) (protection of individuals with regard to the processing of personal data and on the free movement of such data)

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Additional Resources

- Office of the [European Data Protection Supervisor](#) [English]
- [Euro-Lex](#), “The Portal to European Union Law”
- [Comparison of the CAN-SPAM Act and EU Directives](#)