



Siinda, the Digital Marketing and Local Search Association, is the European association of search, digital and information providers and represents with its company- and national association members more than 200 providers of publicly available directories and –services from nearly all European countries and ipso facto more than 80 % of the total European directory market. Search and information providers secure putting the right people in contact in the right place and with the right partners by offering search and information media such as publicly available directories as print, online-, voice- and mobile services. More information on www.siinda.org.

EUROPEAN COMMISSION PROPOSAL FOR A REGULATION ON THE RESPECT FOR PRIVATE LIFE AND THE PROTECTION OF PERSONAL DATA IN ELECTRONIC COMMUNICATIONS (e-Privacy regulation)

Siinda Comments on remaining points for trilogue discussions – art 15 Compromise paper 13518/21 – 10.11.2021

Siinda, representing the directory and database publishers and digital players in Europe, welcomes the European Parliament and Council' s work on the e-privacy regulation and thanks the Slovenian Presidency for its working document in view of the trilogue of November 18th, 2021.

Siinda favours most of the compromise proposals outlined by the latest positions about article 15 but would also like to insist on some remaining clarifications which would need to be considered.

- We support the Presidency' s proposal on row 155 to **call for an extension of this obligation to ECS instead of NBICS**.
- We would like **clarification on the question of end-users/users** : if our view, article 15.1 should tackle only end-users who are natural persons and not users who can also be legal persons.
- We support the compromise put forward by the Slovenian Presidency on art 15.1 a, row 155 which **gives the possibility to Member States to keep their opt-out**: "Notwithstanding paragraph 1, Member States may maintain national measures adopted before [date of entry into force of the Regulation] provide by law allowing that the inclusion of personal data of an end-user who is a natural person in a publicly available directory can take place provided that the end-user who is a natural person shall have the right to object to such inclusion."
In Article 28(2), row 220: "No later than three years after the date of application of this Regulation, and every three years thereafter, the Commission shall carry out an evaluation of this Regulation and present the main findings to the European Parliament, the Council and the European Economic and Social Committee. The Commission shall in particular evaluate whether it is appropriate to modify Article 15 to mandate that the providers of number-based interpersonal communications services shall in all Member States obtain the consent of end-users who are natural persons to include their personal data in the directory and for inclusion of such data per category of personal data. The evaluation



shall, where appropriate, inform a proposal for the amendment or repeal of this Regulation in light of legal, technical or economic developments."

- **We would like to insist on the need to enable search functions based on number to name also in article 15.2, row 156 and suggest to add "any search function that is not based on name or number" in row 156., with the following justification wording: " Number-to-name searches are a basic and popular functionality in most directory services currently. In the name of openness and to promote efficient communication, it is important for people to have the possibility to check who has tried to reach them over phone, and to distinguish important missed calls from less important ones. If the caller wishes to conceal his/her number, that can be done in device settings"**
- We support the Presidency proposal in article 15.3, row 157, recognising that end-users who are legal persons can object to their data being included in directories and that **natural persons acting in business capacity shall be equated to legal persons for this purpose.**
- We also support the Presidency proposal in article 15.4, row 158 that access and correction of the data shall be free of charge and accessible in an easy way.
- We also support the Presidency proposal in article 15.4 a, row 159 which sets -up **a carve-out for existing data** on end-users which has been included in directories before the entry into force of the regulation.

Especially for sole traders and individual entrepreneurs who suffer from the current pandemic situation, **directories are the only free organic search and presence management available** and turning to opt-in system would deprive them of an undisputed indispensable online presence tool. The current COVID-19 pandemic showed that online presence was key to all small businesses and sole entrepreneurs to survive to lock-downs and avoid shutdowns, **it would therefore seem counterproductive to adopt rules which would deprive them of these free solutions**

We remain at your disposal for any further information and thank you for your support.
Yours sincerely,

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