



**ROYAL NORWEGIAN MINISTRY OF
LOCAL GOVERNMENT AND MODERNISATION**

The Minister of Digitalisation

Finnish Presidency of the Council of the European
Union
Attn: Sanna Marin
Minister of Transport and Communications
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Your ref

Our ref

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**Norwegian Position on the Proposal for a Regulation of the European
Parliament and of the Council concerning the respect of private life and
the protection of personal data in electronic communication**

Distinguished Minister Mrs. Sanna Marin

I would like to congratulate you warmly on your recent nomination as Minister of Transport and Communications in Finland. I would also like to wish you and your government every success for Finland's upcoming Presidency of the Council of the European Union, and the many important, and challenging files that will be on the Council's agenda this autumn. In particular, in the digital area, we look forward to your leadership and hope to contribute actively to the discussion on how to further develop the framework conditions for the European data economy.

Norway supports the aim of simplifying and updating the ePrivacy regulatory framework to keep up with technological changes and new services. However, Norway believes it is essential that the regulation strikes the right balance between protection of communications and innovation and development of services. In this regard, Norway would like to reiterate our concern about publicly available directories and especially the proposed Article 15(2).

A well-functioning industry for publicly available directory services is important both as an information database for the society in general and as a basis for further development and innovation of services. The Norwegian publicly available directories have become an integral part of daily life. The directories contain today the same information they have been providing for generations: name, phone number and address. Those are also the three primary and expected search functions of the directories. End users that do not want to appear in a directory service may do so by making a single inquiry (reservation or opt-out system) to their provider of electronic communications.

The option for Member States to allow for the inclusion of personal data in publicly available directories to be based on an opt-out solution will not require providers of such services to obtain consents from existing and future end users included in the directories. In Norway's point of view, this is a good approach. It will allow for public available directories that currently rely on an opt-out solution, to retain their current databases of end user data and to continue to provide their expected services.

However, Norway finds it somewhat challenging to identify the reasoning behind the proposed Article 15.2's sharp distinction between searches based on the end users' name and searches based on phone number. As it currently stands the proposed Article 15 opens up for users of directories to be able to identify end users of communication services based on the end users' names, while effectively blocking the ability to identify unknown callers. This distinction seems unjustified.

A primary part of the services offered by publicly available directories in Norway today is to provide search functions based on phone numbers, enabling end users to identify unknown callers. This is an important consumer protection tool as it enables the consumer to identify businesses placing telemarketing calls to them. The proposed Article 15.2 will make it impossible for publicly available directories to provide such services without obtaining consents from all end users currently included in the directories. It is unlikely that providers of communication services or providers of directories will be able to obtain such consents for all end users. Article 15.2 will thus render today's number based search functions non-functional, and will affect the socially beneficial effects as well as the effect of transparency that today's directory services provide in Norway. We are furthermore concerned that an opt-in solution may affect more negatively certain user groups, such as the elderly, since they are less likely to have access to alternative sources of contact information through online closed user groups (e.g. Facebook and LinkedIn).

Norway believes that number to name based searches should be treated equally as name to number searches and would thus welcome a change of the proposed Article 15.2; either not to include the proposed Article 15.2, or to change the wording of the article in order to allow for number based search functions. Norway will therefore continue to follow the ePrivacy proposal closely during the Finnish Presidency and would be happy to discuss or to provide you with additional information regarding this matter.

I look forward to cooperate with you on this and other important topics of common interest during your Presidency.

Yours sincerely



Nikolai Astrup