

Regulation (EU) 2015/758 of the European Parliament and of the Council of 29 April 2015 concerning type-approval requirements for the deployment of the eCall in-vehicle system based on the 112 service and amending Directive 2007/46/EC

*Article 6*

**Rules on privacy and data protection**

1 This Regulation is without prejudice to Directives 95/46/EC and 2002/58/EC. Any processing of personal data through the 112-based eCall in-vehicle system shall comply with the personal data protection rules provided for in those Directives.

2 The personal data processed pursuant to this Regulation shall only be used for the purpose of handling the emergency situations referred to in the first subparagraph of Article 5(2).

3 The personal data processed pursuant to this Regulation shall not be retained longer than necessary for the purpose of handling the emergency situations referred to in the first subparagraph of Article 5(2). Those data shall be fully deleted as soon as they are no longer necessary for that purpose.

4 Manufacturers shall ensure that the 112-based eCall in-vehicle system is not traceable and is not subject to any constant tracking.

5 Manufacturers shall ensure that, in the internal memory of the 112-based eCall in-vehicle system, data are automatically and continuously removed. Only the retention of the last three locations of the vehicle shall be permitted in so far as it is strictly necessary to specify the current location and the direction of travel at the time of the event.

6 Those data shall not be available outside the 112-based eCall in-vehicle system to any entities before the eCall is triggered.

7 Privacy enhancing technologies shall be embedded in the 112-based eCall in-vehicle system in order to provide eCall users with the appropriate level of privacy protection, as well as the necessary safeguards to prevent surveillance and misuse.

8 The MSD sent by the 112-based eCall in-vehicle system shall include only the minimum information as referred to in the standard EN 15722:2011 'Intelligent transport systems — eSafety — eCall minimum set of data (MSD)'. No additional data shall be transmitted by the 112-based eCall in-vehicle system. That MSD shall be stored in such a way as to make its full and permanent deletion possible.

9 Manufacturers shall provide clear and comprehensive information in the owner's manual about the processing of data carried out through the 112-based eCall in-vehicle system. That information shall consist of:

- a the reference to the legal basis for the processing;
- b the fact that the 112-based eCall in-vehicle system is activated by default;
- c the arrangements for data processing that the 112-based eCall in-vehicle system performs;
- d the specific purpose of the eCall processing, which shall be limited to the emergency situations referred to in the first subparagraph of Article 5(2);
- e the types of data collected and processed and the recipients of that data;
- f the time limit for the retention of data in the 112-based eCall in-vehicle system;

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**Changes to legislation:** There are outstanding changes not yet made to Regulation (EU) 2015/758 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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- g the fact that there is no constant tracking of the vehicle;
- h the arrangements for exercising data subjects' rights as well as the contact service responsible for handling access requests;
- i any necessary additional information regarding traceability, tracking and processing of personal data in relation to the provision of a TPS eCall and/or other added value services, which shall be subject to explicit consent by the owner and in compliance with Directive 95/46/EC. Particular account shall be taken of the fact that differences may exist between the data processing carried out through the 112-based eCall in-vehicle system and the TPS eCall in-vehicle systems or other added value services.

10 In order to avoid confusion as to the purposes pursued and the added value of the processing, the information referred to in paragraph 9 shall be provided in the owner's manual separately for the 112-based eCall in-vehicle system and the TPS eCall systems prior to the use of the system.

11 Manufacturers shall ensure that the 112-based eCall in-vehicle system and any additional system providing TPS eCall or an added-value service are designed in such a way that no exchange of personal data between them is possible. The non-use of a system providing TPS eCall or an added-value service or the refusal of the data subject to give consent to the processing of his or her personal data for a TPS eCall service or an added value service shall not create any adverse effects on the use of the 112-based eCall in-vehicle system.

12 The Commission shall be empowered to adopt delegated acts in accordance with Article 8 in order to establish:

- a the detailed technical requirements and test procedures for the application of the rules on personal data processing referred to in paragraphs 2 and 3;
- b the detailed technical requirements and test procedures for ensuring that there is no exchange of personal data between the 112-based eCall in-vehicle system and third party systems as referred to in paragraph 11.

The first such delegated acts shall be adopted by 9 June 2016.

13 The Commission shall, by means of implementing acts, lay down:

- a the practical arrangements for assessing the absence of traceability and tracking referred to in paragraphs 4, 5 and 6;
- b the template for the user information referred to in paragraph 9.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10(2).

The first such implementing acts shall be adopted by 9 June 2016.

### **Changes to legislation:**

There are outstanding changes not yet made to Regulation (EU) 2015/758 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

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#### **Changes and effects yet to be applied to :**

- Art. 6(1) words substituted by [S.I. 2022/1273 reg. 77\(6\)\(a\)\(i\)](#)
- Art. 6(1) words substituted by [S.I. 2022/1273 reg. 77\(6\)\(a\)\(ii\)](#)
- Art. 6(9) words substituted by [S.I. 2022/1273 reg. 77\(6\)\(b\)](#)
- Art. 6(12) words omitted by [S.I. 2022/1273 reg. 77\(6\)\(c\)\(ii\)](#)
- Art. 6(12) words substituted by [S.I. 2022/1273 reg. 77\(6\)\(c\)\(i\)](#)
- Art. 6(13) words omitted by [S.I. 2022/1273 reg. 77\(6\)\(d\)\(ii\)](#)
- Art. 6(13) words substituted by [S.I. 2022/1273 reg. 77\(6\)\(d\)\(i\)](#)

#### **Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Signature words omitted by [S.I. 2022/1273 reg. 77\(11\)](#)
- Art. 2(1)(a) words inserted by [S.I. 2022/1273 reg. 77\(3\)\(a\)\(ii\)\(aa\)](#)
- Art. 2(1)(a) words substituted by [S.I. 2022/1273 reg. 77\(3\)\(a\)\(ii\)\(bb\)](#)
- Art. 2(1)(b) words substituted by [S.I. 2022/1273 reg. 77\(3\)\(a\)\(iii\)](#)
- Art. 2(3) inserted by [S.I. 2022/1273 reg. 77\(3\)\(c\)](#)
- Art. 3(3) words substituted by [S.I. 2022/1273 reg. 77\(4\)\(b\)](#)
- Art. 3(9) words substituted by [S.I. 2022/1273 reg. 77\(4\)\(c\)](#)
- Art. 5(8)(f) word omitted by [S.I. 2022/1273 reg. 77\(5\)\(d\)\(ii\)\(aa\)](#)
- Art. 5(8)(f) words substituted by [S.I. 2022/1273 reg. 77\(5\)\(d\)\(ii\)\(bb\)](#)
- Art. 5(8)(f) words substituted by [S.I. 2022/1273 reg. 77\(5\)\(d\)\(ii\)\(cc\)](#)