



## **The obligation to designate a Data Protection Officer is a burden for SMEs in the hospitality sector!**

**Brussels, 12 March 2014** – HOTREC, the European association representing the hospitality industry, strongly opposes the obligation for SMEs to designate a Data Protection Officer (DPO) and calls all EU institutions to adopt the Commission original proposal of exempting SMEs with less than 250 employees from the obligation of designating a DPO, if their core business is not data processing.

On 12 March 2014 the European Parliament's plenary session confirmed the LIBE's Committee (Committee of Civil Liberties, Justice and Home Affairs) report on a proposal for a Regulation on Data Protection.

Overall, HOTREC strongly opposes that the threshold of 5000 data subjects should be the reference that obliges a company to follow or not certain obligations foreseen in the proposed Regulation, such as:

- Designation of a Data Protection Officer (DPO) – the fee for hiring an external DPO can easily mount up to €12.000 per year. Even if the company attributes this task to an internal employee, there is no guarantee that the employee will have developed the level of expertise that is required to prevent a breach of the Data Protection law;
- Presumption of risk – the proportionality principle should apply. HOTREC insists that a small hotel or restaurant whose processing activities are limited to certain contact details of the data subjects, must not be considered to present specific risks;
- Necessity of developing an impact assessment – a case by case analysis should be developed by the controller in order for him/her to access whether the impact assessment should be carried out or not.

“The current text brings serious administrative and financial burdens to small enterprises, which, in times of crisis, are simply too hard to implement”, commented Mr. Kent Nyström, President of HOTREC. For all these reasons, HOTREC calls on the Justice and Home Affairs Council and on possible future trialogues (counting with representatives from the European Commission, European Parliament and Council) to adopt the original text presented by the European Commission. This would mean that companies employing less than 250 employees would be exempted from the obligation of designating a DPO; and that impact assessments would only be necessary when processing operations might represent risks to the rights and freedoms of data subjects. Any other positioning will damage SME's.

***What is HOTREC?***

HOTREC represents the hotel, restaurant and café industry at European level. This industry includes around 1,8 million businesses, of which 99% are small and medium sized enterprises (91% of them micro enterprises, i.e. employing fewer than 10 people). These businesses make up some 59% of industry value added. The hospitality industry provides some 10.2 million jobs in the EU alone. Together with the other tourism industries, the sector is one of the largest industries in Europe. HOTREC brings together 42 national associations representing the sector in 27 different European countries.

For further information: [www.hotrec.eu](http://www.hotrec.eu)

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