

(English version)

**Question for written answer E-000522/25
to the Commission
Ioan-Rareş Bogdan (PPE)
(5 February 2025)**

Subject: Use of personal databases without consumers' knowledge

Citizens from several EU Member States in eastern Europe have complained about telephone sales of consumer goods by companies which do not have permission to use personal data such as one's telephone number, age, consumption habits and home address.

Many of them are pensioners but it is sometimes their grandchildren who answer the phone and then order a variety of products as they lack the judgment needed to take purchasing decisions.

There is information to show that companies exist which purchase the databases used for direct marketing from other companies that are going bankrupt. While on the face of it this is legal, it is questionable in terms of whether there is willing agreement to transfer the personal data.

1. Is the Commission aware of this phenomenon?
2. How can members of the public shield themselves from onslaughts of unsolicited calls without this entailing burdensome bureaucracy?

Submitted: 5.2.2025

**Answer given by Executive Vice-President Virkkunen on behalf of the European Commission
(27 March 2025)**

The Commission is aware of this phenomenon, which is addressed by legal instruments governing the protection of citizens' personal data, namely the ePrivacy Directive ⁽¹⁾ and the General Data Protection Regulation (GDPR) ⁽²⁾.

Article 13 of the ePrivacy Directive, which has been transposed into the national legislation of every EU Member State, requires governments to take appropriate measures to ensure that unsolicited communications for the purposes of direct marketing are not allowed without the consent of the individual concerned or in respect of individuals who do not wish to receive these communications.

The processing of personal data, such as those included in direct marketing databases and transfer of a database to a new owner, falls under the rules of the GDPR ⁽³⁾, and requires amongst others a legal basis as set out in Article 6 GDPR.

Without prejudice to the competences of the Commission as guardian of the Treaties, the enforcement of the GDPR and the ePrivacy Directive in individual cases lies primarily with the competent national authorities and courts.

Citizens should raise any suspected violations of national provisions with those authorities. It is up to those authorities to take appropriate measures against the companies in breach of national and EU law.

⁽¹⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02002L0058-20091219>

⁽²⁾ <https://eur-lex.europa.eu/eli/reg/2016/679/oj/eng>

⁽³⁾ See also C-621/22 on sharing of data with third parties for marketing purpose.