Recommendation 1012 (1985)[1]

Harmonisation of rules of professional secrecy

Parliamentary Assembly

The Assembly,

1. Considering that the right of respect for private life, guaranteed in Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms, is of utmost importance to a democratic society ;

2. Aware that technical progress and scientific evolution not only contribute to the progress and welfare of mankind, but also provide the means to threaten fundamental rights such as the right to respect for private life, of which the right to respect of professional secrecy forms a part ;

3. Considering that the protection of professional secrecy is an essential part of the right of respect for private life ;

4. Considering that certain developments in society such as data banks and increased bureaucracy may conflict with professional secrecy ;

5. Considering that domestic legislation on the subject differs widely in the Council of Europe member states ;

6. Convinced that a harmonisation of the rules existing becomes more and more urgent in the light of technical progress, international integration and growing mobility of people ;

7. Welcoming the Resolution on professional secrecy, adopted by the European Parliament on 13 April 1984,

8. Recommends that the Committee of Ministers prepare a recommendation to governments of Council of Europe member states setting forth minimum standards for the protection of professional secrecy, based in particular on the following principles : "Any person having knowledge of a secret, by reason of his particular status or office or of his profession or skills, that the affected party, expressly or by implication, wishes to be kept secret is covered by the obligation of professional secrecy. Exceptions to this obligation must be provided for by law or ordered by a regular court, and be in accordance with Article 8.2 of the Convention for the Protection of Human Rights and Fundamental Freedoms."

1. See Doc. 5419, report of the Legal Affairs Committee. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 4 July 1985