

Jurius

Data protection for police and judicial cooperation in criminal matters: Council ready for talks with EP

On 9 October 2015 the Council agreed its negotiating position on the draft data protection directive. This draft directive is aimed at protecting personal data processed for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal offences or the safeguarding against and the prevention of threats to public security.

Category: News

Region: EU

Field of law: Data Protection

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[Rz 1] This agreement enables the Luxembourg presidency to start discussions with the European Parliament also on this part of the data protection package. The other part of the package is the General Data Protection Regulation on which talks with the Parliament have already started following agreement by the Council on its position on 15 June 2015. Contacts with the European Parliament to organise a first trilogue are underway, with the objective to reach an agreement on the whole data protection package by the end of the year.

[Rz 2] The objective of the draft directive is to ensure a high level of protection of personal data and to facilitate the exchange of personal data between law enforcement authorities within the European Union. The protection of persons in relation to the processing of their personal data is a fundamental right laid down in the Charter of Fundamental Rights of the EU and in the Treaty of the Functioning of the European Union.

[Rz 3] The new directive would apply to both the cross-border processing of personal data as well as the processing of personal data by the police and judicial authorities at purely national level. «*This scope is essential to for a comprehensive data protection framework for citizens and authorities across all 28 member states*», said Félix Braz. On the other hand, the current EU rules apply to the cross-border transfer of personal data only. This has created difficulties for police and other law enforcement authorities in the areas of judicial co-operation in criminal matters and police co-operation. The new rules would enhance mutual trust between police and judicial authorities within the EU.

[Rz 4] The principles laid down in the draft directive are in line with the current rules. This applies also to the possibility for member states to provide for higher safeguards than the ones set out in the directive. Compared to the current rules, the scope of the draft directive would be extended to cover the safeguarding against and the prevention of threats to public security. The rules would continue to cover the transfer of personal data to third countries and international organisations. The supervisory authority established in the general data protection regulation might be the same as that which would deal with matters falling under the directive. The new directive would also grant data subjects the right to receive compensation if they have suffered damage as a consequence of a processing that has not respected the rules.

Source: Press Release no 712/15 of the Council of the European Nation from 9 October 2015

Further Information:

- Council's negotiating position on the data protection directive
- Rolf H. Weber, EU-Datenschutz-Grundverordnung: Kernelemente und Ausstrahlungswirkung auf die Schweiz, in: Jusletter IT 24 September 2015