

Resolution of the Spring Conference 2010 of the European Data Protection Commissioners on the envisaged agreement between the European Union and the United States of America on data protection standards in the area of police and judicial co-operation in criminal matters

On the basis of the final report of the so-called High Level Contact Group representatives of the European Union and of the United States of America intend to start negotiations about an agreement on data protection standards in the area of police and judicial co-operation in criminal matters.

The European Data Protection Commissioners welcome this project strongly. They have high hopes that by means of the agreement, the EU and the US will bind themselves to a high level of data protection when exchanging personal data in criminal matters and, thereby, create a model for other international data exchange agreements in the area of law enforcement.

The European Data Protection Commissioners attach great importance to the agreement, because – in view of international terrorism and cross-border crime – the challenges to international co-operation of law enforcement authorities will most likely increase and, thus, the conditions for the international data exchange between law enforcement authorities more and more often appear on the political agenda.

In this sense the European Data Protection Conference calls on the European Union to strongly advocate a high level of data protection and, by means of the agreement, to effectively ensure unalterable principles – in particular strict purpose limitation of transferred data, a high level of data security, independent data protection authorities, and access rights and judicial redress for all data subjects, regardless of nationality or country of residence – also when it comes to a data exchange with the US.

For a more detailed view on the expectations and hopes of the European Data Protection Conference, please see the joint contribution of the WPPJ and the WP 29 to the public consultation in this matter by the European Commission.