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SUPERVISOR

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President of the European Council  
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**Subject: European Council strategic guidelines for the future development of justice and home affairs in the EU. Data protection aspects**

Dear Mr President,

At its next meeting on 26-27 June, the European Council intends to agree strategic guidelines for the future development of justice and home affairs in the EU.

I agree that this document should be concise and focus on the main strategic challenges facing freedom, justice and security. However, I am concerned that the Commission communications and the Council's recommendations barely acknowledge the role of data protection in ensuring the EU's activities are appropriate and proportionate.

The importance of data protection in building the European area of freedom, security and justice cannot be overstated. The allegations of mass surveillance by security services have rocked the trust in the ability and willingness of governments and businesses to protect individual's personal information. Recent judgments from the European Court of Justice, on the Data Retention Directive and on the right to request removal of data on search engines, have banished any lingering doubts over the need for EU activities to uphold the fundamental rights to privacy and to data protection. This is of strategic relevance not only for future policies in justice and home affairs but for the EU's wider agenda for growth and investment in the digital economy.

In our Opinion on the future development of freedom, justice and security (a copy attached for ease of reference), we recommend that European Council use these strategic guidelines on freedom, justice and security as the opportunity for the Union to show its intention to restore trust in its capacity to effectively protect individuals. We recommend an explicit acknowledgment that many EU laws and policies in this area require personal data processing on a large scale and that failure to respect fundamental rights could lead to severe delays or abandonment of the priority measures for many Member States - as has been

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witnessed in the Data Retention Directive, 'smart borders' package and passenger name records. It is therefore vital for a strong and modernised data protection framework in the EU to be adopted as soon as possible, and for privacy and data protection considerations to be mainstreamed into all new policies and legislation.

I recognise that the time available between now and the next meeting of the European Council is very short. Nevertheless, I would be very pleased to meet you briefly to discuss this, diaries permitting.

Yours sincerely,

**(signed)**

Peter Hustinx

Annex: Opinion

Cc: Mr Uwe CORSEPIUS, Secretary-General  
Mr Theodoros N. SOTIROPOULOS, Permanent Representative of Greece  
Mr Guy STESSSENS, Secretariat General of the Council