

Executive Summary of the Opinion of the European Data Protection Supervisor on the Commission Decision on the protection of personal data in the European e-Justice Portal

(The full text of this Opinion can be found in English, French and German on the EDPS website www.edps.europa.eu)

(2014/C 390/03)

1. Introduction

1.1. Consultation of the EDPS

1. On 5 June 2014, the Commission adopted a Commission Decision on the protection of personal data in the European e-Justice Portal ('the Decision') ⁽¹⁾.
2. We welcome the fact that we were consulted on this Decision prior to its adoption and that we were given the possibility to provide informal comments to the Commission. The Commission took into account several of these comments. As a result, the data protection safeguards in the Decision have been strengthened. We also welcome the reference in the preamble to the consultation of the EDPS.

1.2. Context, objective and scope of the Decision

3. As explained in recitals 1-3 of the Decision, in its communication of May 2008 ⁽²⁾, the Commission stated that it would design and set up the European e-Justice Portal ('Portal'), to be managed in close cooperation with the Member States. The Portal was launched on 16 July 2010 and is now ready for the first interconnection of national registers involving the processing of personal data. The Portal's objective is to contribute to the achievement of the European judicial area by facilitating and enhancing access to justice and leveraging information and communication technologies to facilitate cross-border electronic judicial proceedings and judicial cooperation.
4. Recitals 4-5 of the Decision highlight the importance of data protection and provide that since the various Portal-related tasks and functions of the Commission and the Member States will entail different responsibilities and obligations as regards data protection, it is essential to delimit them clearly. Accordingly, the Decision aims at providing more clarity and legal certainty with regard to the responsibilities of the Commission as a controller in connection with its activities relating to the operation of the Portal.

3. Conclusions

30. We welcome the fact that we were consulted on this Decision prior to its adoption and that the Commission took into account several of our comments.
31. In the present Opinion we encourage the Commission to increase its efforts for a swift adoption of the future Regulation on e-Justice. This Opinion contains preliminary guidance to drafting such a future Regulation and provides a non-exhaustive list of items that should be addressed in this future Regulation, including:
 - Scope of the Portal
 - Legal grounds for processing of data in the Portal
 - Responsibilities of the Commission and the various other parties involved as controllers, including with regard to security and data protection by design

⁽¹⁾ 2014/333/EU.

⁽²⁾ COM(2008) 328 final, 30.5.2008.

— Purpose limitation and restrictions, where applicable, on data combination.

Done in Brussels, 5 September 2014.

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