E-justice

2008/2125(INL) - 19/12/2008 - Document attached to the procedure

OPINION OF THE EUROPEAN DATA PROTECTION SUPERVISOR on the Communication from the Commission entitled 'Towards a European eJustice Strategy'.

The aforementioned Communication was adopted on 30 May 2008. It aims to propose an eJustice Strategy that intends to increase citizens' confidence in the European area of justice. EJustice's primary objective should be to help justice to be administered more effectively throughout Europe, for the benefit of the citizens. The EU's action should enable citizens to access information without being hindered by the linguistic, cultural and legal barriers stemming from the multiplicity of systems.

The EDPS supports the present proposal to establish eJustice and recommends taking into account the observations made in this opinion, which includes:

- taking into account the recent framework decision on the protection of personal data in the field of police and judicial cooperation in criminal matters - including its shortcomings - not only when implementing the measures envisaged in the Communication, but also with a view to starting as soon as possible the reflections on further improvements of the legal framework for data protection in law enforcement;
- including administrative procedures in eJustice. As part of this new element, eJustice projects should be initiated to enhance the visibility of data protection rules as well as national data protection authorities, in particular in relation to the kinds of data processed in the framework of eJustice projects;
- maintaining a preference for decentralised architectures;
- ensuring that the interconnection and interoperability of systems duly takes into account the purpose limitation principle;
- allocating clear responsibilities to all actors processing personal data within the envisaged systems and providing mechanisms of effective coordination between data protection authorities;
- ensuring that processing of personal data for purposes other than those for which they were collected should respect the specific conditions laid down by the applicable data protection legislation;
- clearly defining and circumscribing the use of automatic translations, so as to favour mutual understanding of criminal offences without affecting the quality of the information transmitted;
- clarifying Commission responsibility for common infrastructures, such as the sTESTA;
- with regard to the use of new technologies, ensuring that data protection issues are taken into account at the earliest possible stage (privacy-by-design) as well as fostering technology tools allowing citizens to be in better control of their personal data even when they move between different Member States.