

Cross-border exchange of information on road safety related traffic offences

2008/0062(COD) - 08/05/2008 - Document attached to the procedure

OPINION OF THE EUROPEAN DATA PROTECTION SUPERVISOR on the Proposal for a Directive of the European Parliament and of the Council facilitating cross-border enforcement in the field of road safety.

The aforementioned proposal was sent by the Commission to the EDPS for consultation on 19 March 2008. The proposal constitutes a measure taken in the global objective of reducing fatalities, injuries and material damage resulting from traffic accidents, which constitutes a major goal of the EU road safety policy. In this context, the proposal intends to establish a system to facilitate the cross-border enforcement of sanctions for specified road traffic offences. In order to contribute to a non discriminatory and more effective enforcement towards traffic offenders, the proposal foresees the establishment of a system of cross-border exchange of information between Member States.

The EDPS considers that the proposal provides for **sufficient justification for the establishment of the system for the cross-border exchange of information**, and that it limits in an adequate way the quality of data to be collected and transferred. He also welcomes the redress procedure foreseen in the proposal, and in particular the fact that access to personal data will be possible in the country of residence of the data subject.

In order to improve the text with regard to the **information of data subjects**, the EDPS recommends that the way data subjects are informed of the fact they have specific rights should depend on the format of the offence notification. It is therefore important that Article 5 comprises all information relevant for the data subject, in a language that he/she understands.

With regard to **security**, while the EDPS has no objection to the use of an already existing infrastructure to exchange the information - as far as this limits financial or administrative burdens, he insists on the fact that this should not lead to interoperability with other databanks. The EDPS welcomes the limit put in the proposal on the possibilities of use of the data by Member States other than the one where the offence was committed.

Lastly, the EDPS is available for further consultation with regard to the common rules to be elaborated by the Commission on technical procedures for the electronic exchange of data between the Member States, and in particular with regard to the security aspects of these rules.