# Jurisdiction, recognition and enforcement of decisions in matrimonial matters and matters of parental responsibility; international child abduction. Recast

2016/0190(CNS) - 15/02/2018 - Document attached to the procedure

**OPINION of the European Data Protection Supervisor (EDPS) on the proposal to recast the Brussels IIa Regulation.**

The EDPS opinion focuses on specific recommendations to strengthen the lawfulness of the processing operation provided for in Articles 63 and 64 of the proposal. It also contains recommendations on specific safeguards to protect the fundamental rights and interests of the persons concerned.

***Lawfulness of the processing***

Since children are among the data subjects affected by the proposal, the EDPS recommends including in the Regulation specific clauses in relation to the purpose of processing and the types of data subject to the processing. In particular, it recommends clarifying whether the cooperation framework set up under Chapter V of the proposal covers only parental responsibility cases or whether it also includes international child abduction.

Considering that Chapter V appears to include the two areas of cooperation, and in order to ensure greater legal certainty and to meet the requirements of the purpose limitation principle, the EDPS considers that Article 63(3) could be amended to limit the purposes to 'cooperation in specific cases relating to parental responsibility and international child abduction', thus excluding 'matrimonial cases', which is the other main area covered by the Regulation.

The EDPS also recommends introducing an explicit reference to the principles of data quality and data minimisation.

***Protection of the fundamental rights and interests of the data subject***

The EDPS recommends:

- specifying that the reference to the national law of the requested Member State under Article 63(4) does not allow further limitations on the right to information to be introduced at national level, so that the specific measure envisaged to ensure fairness of the processing enshrined in this provision be consistently applied across the Union;

- establishing in the Regulation, as a principle, the right of access of data subjects to the information transmitted to the requesting authority of a Member State;

- supplementing the proposal with a clear and specific provision laying down ‘the scope of the restrictions’, in accordance with the GDPR to the extent restrictions to the rights of access and rectification are considered necessary in the particular context of the proposal.