

Exchange of information and cooperation concerning terrorist offences: alignment with Union rules on the protection of personal data

2021/0399(COD) - 06/03/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Patryk JAKI (ECR, PL) on the proposal for a directive of the European Parliament and of the Council amending Council Decision 2005/671/JHA, as regards its alignment with Union rules on the protection of personal data.

As a reminder, this proposal aims to align Council Decision 2005/671/JHA with the principles and rules laid down in the Data Protection Law Enforcement Directive (Directive (EU) 2016/680) in order to ensure consistent approach to protection afforded to persons regarding the processing of personal data in order to: (i) specify that the processing of personal data under Council Decision 2005/671/JHA can only take place for the prevention, investigation, detection and prosecution of terrorist offences, in line with the purpose limitation principle; (ii) stipulate that the categories of personal data that can be exchanged should be defined more precisely by Union or Member State law.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Members proposed to amend Decision 2005/671/JHA to ensure the appropriate safety of the protection of personal data. They stressed that:

- each Member State should ensure that personal data is processed only for the purpose of the prevention, investigation, detection or prosecution of terrorist offences in compliance with Union law on data protection;
- to ensure the uniform and consistent protection of natural persons with regard to the processing of their personal data, such data should be transferred in compliance with the relevant security requirements;
- exchanges of categories of personal data should be pursued in accordance with the security requirements, safeguards and data protection guarantees set out in Union law on data protection.