# Amending Council Decision 2009/917/JHA, as regards its alignment with Union rules on the protection of personal data

2023/0143(COD) - 15/11/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Cornelia ERNST (The Left, DE) on the proposal for a regulation of the European Parliament and of the Council amending Council Decision 2009/917/JHA, as regards its alignment with Union rules on the protection of personal data.

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:

***Role of the European Data Protection Supervisor***

The amended text clarifies the role of the European Data Protection Supervisor. It should:

- be responsible for monitoring the processing of personal data under this Regulation by the Commission and for ensuring that it is carried out in accordance with this Regulation;

- carry out an audit of the processing of personal data by the Commission under this Regulation in accordance with international auditing standards at least every three years. A report on that audit should be sent to the European Parliament, to the Council, to the Commission and to the national supervisory authorities.

The European Data Protection Supervisor and the national supervisory authorities, each acting within the scope of their respective competences, should cooperate actively within the framework of their responsibilities to ensure coordinated supervision.

***Retention of data***

To ensure the optimal preservation of the data while reducing the administrative burden for the competent authorities, the procedure governing the retention of personal data in the Customs Information System should be simplified by removing the obligation to review data annually and by setting as a general rule a maximum retention period of three years which can be increased, subject to justification, by an additional period of two years. That retention period is necessary and proportionate in view of the typical length of criminal proceedings and the need for the data for the conduct of joint customs operations and of investigations.