Data protection: establishment of a secretariat for the joint supervisory bodies

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PURPOSE : to present the initiative of the Portuguese Republic with a view to the adoption of a Council Decision establishing a Secretariat for the Joint Supervisory Data Protection bodies set up by the Convention on the Establishment of a European Police Office (Europol Convention), the Convention on the Use of Information Technology for Customs Purposes and the Convention between Belgium, Germany, France, Luxembourg and the Netherlands implementing the Agreement on the gradual abolition of checks a their common borders (Schengen Convention). CONTENT : in matters of data protection, at present, two Joint Supervisory Bodies are operational, one set up by the Europol Convention, the other by the 1990 Schengen Convention. Shortly a third one will come into being, once the Convention on the use of Information Technology for Customs Purposes enters into force. The Supervisory bodies are independent from the governments of the Member States, from the institutions of the EU and from the organism they control. However, it was agreed that the creation of a Joint Secretariat, for the existing bodies, has priority and should be achieved as soon as possible. Delegations welcomed the idea of linking the Joint Secretariat to the Council General Secretariat, but underlined that the importance of creating a secretariat that would be as independent as possible from the Council framework in order to safeguard the independence of the Supervisory Bodies. The setting-up of a Single Supervisory Body for these three unities would be a second step. Following an agreement reached in the Article 36 Committee, Portugal has proposed a draft Council Decision for a joint secretariat for the supervisory bodies. It is based on the assumption that this would only be a temporary solution until the existing Joint Supervisory Bodies would have been transformed into one single Body vested with legal personality, with its own budget and its own staff. For the transitional period, the Joint Secretariat would have a close linkage to the General Secretariat of the Council whilst at the same time ensuring that the "Data Protection Secretary" for the Joint Supervisory Authorities would remain as independent as possible. With regard to the financing of a joint secretariat, there would be a saving since it allows for organising the work of the supervisory bodies in a coherent and structured way. At present, the Joint Supervisory Body of Europol has a budget of EUR 620 000 in the year 2000 in order to pay for meeting costs, travel costs for delegates and translation costs. The Joint Supervisory Authority of Schengen is served by the Council General Secretariat. Thus, the Council pays for these costs.