Fight against terrorism: processing and protection of personal data in the framework of police and judicial cooperation in criminal matters. Framework Decision

2005/0202(CNS) - 27/09/2006 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution by Martine **ROURE** (PSE, FR) and endorsed the Commission proposal subject to several amendments designed to reinforce data privacy. (For a background to this resolution, please see the previous summary.) The Commission's proposal would extend data protection rules as regards transfer of information in police and judicial cooperation.

Competence in this matter is currently solely a matter for Member States. More than 60 amendments were also adopted that limit the use and access to personal data in cases where there is a real threat to public security.

Parliament was concerned about the issue of access to personal data by non-EU countries. It adopted an amendment limiting such transfers to competent authorities outside the EU only if the transfer is provided by a law clearly obliging or authorising such a transfer. Member States must ensure that there is adequate data protection in the non-EU country based upon concrete criteria listed in the text. Only exceptionally could the adequacy condition be lifted in the event of an imminent serious danger.

Data collection and access for national governments or competent authorities must be limited to specific purposes, only if strictly necessary, and carried out with the principles of proportionality and necessity and for the purpose of preventing a threat to public security or to a person. This personal data made available to a given Member State might be further processed by another Member State only with the consent of the authority which made available the information in the first place. Sensitive data such us biometrics or DNA information will follow additional specific safeguards to ensure they are accurate and that they can be challenged by the subject of such data. Parliament wanted a different treatment for personal data depending on the status of the person concerned: information related to non-suspects will be treated only for the specific purpose they were collected, for a limited period of time and with adequate limitations on access to them and on their transmission.

Other amendments adopted give citizens the right to deny the accuracy of some personal information and mark it on the database. Competent authorities would be liable to criminal sanctions in case of intentional offence or gross negligence.