Data protection in the context of police cooperation in criminal matters

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On behalf of the PSE Group, Mrs Martine **ROURE** has presented this proposal for a recommendation to the Council, pursuant to Rule 114(1) of the Rules of Procedure, on data protection in the context of police cooperation in criminal matters.

Mrs ROURE recalls that the Council fulfilled an undertaking made before Parliament on 27 September 2006 by stepping up the pace of discussions on the proposal for a framework decision on data protection in the context of police and judicial cooperation in criminal matters. However, having regard to its extreme concern at the direction of the debate in the Council, the proposed recommendation:

- regrets that Member States are moving towards a data protection agreement based on the lowest common denominator; fears, moreover, that the implementation of that agreement will have a negative impact on the general principle of data protection in EU Member States without establishing a satisfactory level of protection at European level;
- recalls that the proposed framework decision should in due course replace Council of Europe Convention No 108 on data protection; considers, however, that the text currently being discussed in the Council falls short of Convention No 108 and risks undermining existing data protection standards; hopes that the framework decision will bring European added value by ensuring a high level of data protection in all Member States;
- considers that, as the negotiations stand in the Council, the proposed framework decision would create inconsistencies in certain data protection standards between states that are signatories to the Convention implementing the Schengen Agreement, which implement Convention No 108, and those that are not signatories;
- hopes that the framework decision will have a broad scope, including data protection in the context of national processing, the objective of which is the same as that of Directive 95/46/EC, i.e. to provide citizens with a high degree of protection within an area of freedom, security and justice and to abolish disparities between levels of protection of people’s rights and levels of security of files and data systems which hinder the transmission and exchange of data between Member States;
- stresses that the exchange of data with the competent authorities of non-EU countries should also be included in the scope of this framework decision;
- hopes that future European Union rules will ensure a very high level of protection for sensitive data, particularly as regards the processing of biometric and DNA-related data;
- reserves the option of discussing with national parliaments its forthcoming opinion on the text of the framework decision on data protection once the Council has set out its position on the matter.

Lastly, the proposed recommendation insists that in the context of a relationship as sensitive and unequal as that which exists between the public authorities and the citizen, an individual’s consent cannot alone be considered a sufficient legal basis to justify the subsequent processing of personal data for security purposes.