Data protection in the context of police cooperation in criminal matters

2006/2286(INI) - 14/12/2006 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report drafted by Martine **ROURE** (PES, FR), and approved a new recommendation to the Council on the progress of the negotiations on the framework decision on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters. Parliament was concerned that, despite the undertaking given by the Council in that regard before Parliament on 27 September 2006, it does not appear that Parliament's position – unanimously adopted – has been taken into account in the negotiations taking place in the Council. In addition, Members were extremely concerned at the direction being taken by the debate in the Council, with Member States appearing to be moving towards a data protection agreement based on the lowest common denominator.

Parliament addressed the following recommendations to Council:

- ensure a high level of protection of European citizens" fundamental rights by establishing a legal framework to protect personal data in the areas covered by Title VI of the EU Treaty;
- help to enhance European police and judicial cooperation and mutual trust between the competent authorities of the Member States by ensuring a minimum harmonised level of data protection;
- ensure that the future framework decision will bring European added value by guaranteeing a high level of data protection in all Member States;
- lay down general data protection principles for the third pillar, taking over the principles already enshrined in the Community directives in this area while laying down additional rules on data protection which take due account of the specific nature of police and judicial work;
- ensure observance of the purpose-specification and proportionality principles under which any interference in the private lives of individuals must be necessary and justified and any further processing of data must be in keeping with the purpose for which they were initially collected, in accordance with European Court of Human Rights case-law;
- give the future framework decision 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.

Parliament insisted that the Council should not weaken existing data protection standards by adopting a text that falls short of Directive 95/46/EC and Council of Europe Convention No 108, which is legally binding on Member States. It was crucial, in particular: i) to maintain data subjects" rights of information and access to data and right of appeal in accordance with Convention No 108; ii) to maintain a high level of protection for sensitive data, in keeping with existing first-pillar standards, and ensure that the principle of a ban on the use of particular categories of data, with limited exceptions, applies; ensure a very high level of data protection in connection with the processing of biometric and DNA-related data; to maintain the distinction between different types of data (data on victims, suspects, witnesses, etc.), so as to allow different and specific processing of and guarantees for different types of data, particularly as regards non-suspects.