Rules applicable to Europol analysis files: amendment of 1999 Council Act. Initiative Finland

2007/0802(CNS) - 09/01/2007 - Legislative proposal

PURPOSE: to amend the Council Act adopting rules applicable to Europol analysis files.

PROPOSED ACT: Council Decision.

CONTENT: based on a Finnish initiative, the proposed Council Decision aims to amend the Council Act adopting rules applicable to Europol analysis files.

The Europol Convention makes provision for work files for the purposes of analysis. Changes were introduced by the Protocol of the Convention on the Establishment of a European Police Office (Europol Convention), amending that Convention. In particular, amendments were made to certain Articles which constitute the framework for the opening of an analysis file and the collection, processing, utilisation and deletion of personal data contained therein.

Implementing rules were adopted for work files. These rules require to be amended as a consequence of the changes made by the said Protocol to the Europol Convention; the Act should therefore be amended accordingly.

The proposed Decision makes the following amendments:

- after receipt of analysis files, it shall be determined as soon as possible to what extent the data shall be included in a specific file. The review of the need for the continuation of an analysis work file shall be carried out by the participants in the analysis. On the basis of this review, a decision shall be taken by the Director on the continuation or closure of the file. The Director shall inform the Management Board of his decision;

- personal data may not be retained for a period longer than that mentioned in the Europol Convention. Where, as a consequence of the continuation of the analysis file, data concerning persons are stored in a file for a period exceeding 5 years, the Joint Supervisory Body shall be informed accordingly;

- analysis activities and the dissemination of analysis results may begin immediately after the analysis file has been opened. Should the Management Board instruct the Director of Europol to amend an opening order or close the file, data which may not be included in the file or, if the file is to be closed, all data contained in that file, shall be deleted immediately;

- the retrieval of data by participants of the analysis project shall only be granted after they have been accredited by Europol and following a training on their specific obligations under the Europol legal framework.