Basic information

2006/2286(INI) INI - Own-initiative procedure	Procedure completed
Data protection in the context of police cooperation in criminal matters **Subject** 1.20.09 Protection of privacy and data protection 7.30.05 Police cooperation 7.30.20 Action to combat terrorism	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	LIBE Civil Liberties, Justice and Home Affairs	ROURE Martine (PSE)	11/12/2006

European Commission	**Commission DG**	**Commissioner**
	Justice and Consumers	FRATTINI Franco

Key events

Date	Event	Reference	Summary
21/11/2006	Non-legislative basic document published	B6-0618/2006	Summary
11/12/2006	Vote in committee		
11/12/2006	Committee report tabled for plenary	A6-0456/2006	
14/12/2006	Decision by Parliament	T6-0602/2006	Summary
14/12/2006	Results of vote in Parliament		
14/12/2006	Committee referral announced in Parliament		
14/12/2006	End of procedure in Parliament		

Technical information

Procedure reference	2006/2286(INI)
Procedure type	INI - Own-initiative procedure
Legal basis	Rules of Procedure EP 134o-p3
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/43336

Documentation gateway				
European Parliament				
Document type	**Committee**	**Reference**	**Date**	**Summary**
Non-legislative basic document		B6-0618/2006	21/11/2006	Summary
Committee draft report		PE382.350	29/11/2006	
Amendments tabled in committee		PE382.351	30/11/2006	
Committee report tabled for plenary, single reading		A6-0456/2006	11/12/2006	
Text adopted by Parliament, single reading		T6-0602/2006	14/12/2006	Summary

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.

Data protection in the context of police cooperation in criminal matters

2006/2286(INI) - 21/11/2006 - Non-legislative basic document

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.