

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) - 11/12/2007 - Amended legislative proposal for reconsideration

The Council reached a political agreement on the proposed Framework Decision which is significantly different to both the original Commission proposal and the Council text on which the European Parliament was first reconsidered. The Council has thus decided to proceed with a second reconsideration of the European Parliament based on the text which gained the political agreement of the Member States.

The purpose of this legislation is to ensure a high level of protection for the basic rights and freedoms, and in particular the privacy of individuals, while guaranteeing a high level of public safety when exchanging personal data.

The text agreed envisages that the exchange of personal data will be supported by clear binding rules, enhancing mutual trust between the competent authorities. Relevant information will be protected in a way excluding any obstruction of this cooperation between the Member States while fully respecting the fundamental rights of individuals, in particular the right to privacy and to protection of personal data. Common standards on the confidentiality and security of the processing, on liability and sanctions for unlawful use, will contribute to achieving both aims.

In particular, the text defines the right of access to data, the right to rectification; erasure or blocking, the right to compensation and the right to seek judicial remedies.

This Framework Decision does not preclude Member States from providing safeguards for the protection of personal data higher than those established in this Framework Decision.

The file was discussed at the Council meeting of 18 September 2007 and an agreement was reached on the regime for onward transfer on personal data obtained from another Member State to third States. The Council also confirmed the understanding that the text applies to the cross-border exchange of personal data only. The Commission will carry out an assessment of the data protection system, particularly the limit of its scope, three years after the date on which the Member States apply the Framework Decision.