



PRESS RELEASE

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Third pillar data protection: EDPS strongly advises Council not to adopt current proposal without significant improvements

Peter Hustinx, the European Data Protection Supervisor (EDPS), has issued an opinion on a new proposal for a framework decision on data protection in the third pillar. While thankful for the efforts from the German presidency to progress on the dossier which requires unanimous support to be adopted, the EDPS expresses grave concern about a dilution towards the lowest common denominator. As many aspects of the current proposal fail to give appropriate protection as required by the EU Treaty, the EDPS strongly advises Council not to adopt the current text. Some aspects even fall below the standard of Council of Europe Convention 108 which provides some basic principles of data protection since 1981.

Peter Hustinx says: *"Many efforts are today invested in developing an area of freedom, security and justice. We need to ensure high standards to guarantee both the citizens rights and the efficiency in police and judicial cooperation. Unfortunately, this proposal does not meet the expectations."*

The EDPS advises Council against negotiating new issues raised in the proposal - extending its scope to third pillar data processing by Europol and Eurojust as well as establishing a new joint supervisory authority - for fear that the following essential elements will not be sufficiently addressed:

- Extension of the scope to also include domestic data processing, so that citizens' data are adequately protected not only when exchanged with another Member State;
- Limiting the further purposes for which personal data may be processed, to avoid that the basic principles of Convention 108 would be contradicted;
- Requiring an adequate level of protection for exchanges with third countries according to a common EU standard;
- Ensuring data quality, e.g. by distinguishing between factual and 'soft' data, as well as between categories such as witnesses, convicted persons, etc.;
- Making data exchanges with non-law enforcement authorities and private parties subject to specific and strict conditions.

The [Opinion](#) is available on our website.

For more information, please contact the EDPS Press Service at: +32 2 283 19 00

EDPS - the European guardian of personal data protection

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