EUROPEAN UNION
THE COUNCIL

Brussels, 9 December 1994

11941/94

RESTREINT

EUROPOL 130

COPY OF LETTER

from : M. Peter J. HUSTINX, President of the Registration Chamber of the Netherlands

dated: 10 November 1994

to : the Chairman of the Council of Ministers of Justice and Home Affairs

Subject: **Data protection measures in the future Europol Convention**

Delegations will please find herewith a copy of a letter from the President of the Netherlands Registration Chamber on behalf of the Data Protection Commissioners in the European Union and in Austria, Finland, Norway and Sweden.

Registratiekamer

Chairman of the Council of Ministers
of Justice and Interior Affairs

Rijswijk, 10 November 1994
Our ref. 94.HI.007
Re. Europol

Dear Minister,

I write on behalf of the Data Protection Commissioners in the European Union and in Austria, Finland, Norway and Sweden, to emphasize the importance of adequate data protection measures in the future Europol Convention.

The EU Data Protection Commissioners have frequently exchanged views concerning Europol. In a letter of 7 December 1993 to the Chairmanship of the Council of Ministers, the EDPC Working Party on Police made a strong plea for the inclusion of data protection safeguards in the Europol Convention, comparable to those provided for in the Schengen Convention, and informed the Council of its willingness to be of assistance in that respect.

In view of the wish of the Council to complete the work on a draft Convention in October of this year, the EDPC Working Party on Police met in Rijswijk on 26 October 1994. The Data Protection Commissioners of Austria, Finland, Norway and Sweden were invited as observers.

During that meeting, the Chairman of the Europol Working Party informed the EDPC Working Party on the latest developments with respect to Europol. This information was highly appreciated.

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In the light of the recent developments, the EU Data Protection Commissioners and their colleagues in the new member states wish to stress the importance of a coherent system of data protection principles in the Europol Convention, and of a carefully balanced information architecture. Both should not only reflect the features of the Europol organisation and the special nature of police cooperation in combatting serious forms of international crime, but should also satisfy the fundamental need for data protection in this sensitive area.

The Europol Convention should be in accordance with the Convention of the Council of Europe of 28 January 1981 for the Protection of Individuals with regard to Automatic Processing of Personal Data, and with Recommendation R (87) 15 regulating the use of personal data in the police sector. Adequate safeguards for the data subject, including a right of access which may not be unduly complicated, should be an integral part of the international cooperation in Europol.

Both in view of their national tasks, and their task with regard to EDU/Europol, the Data Protection Commissioners wish to reaffirm their willingness to be of assistance in the development of data protection principles in the Europol Convention, and invite the Council and the national governments to keep them regularly informed about the text of the draft Convention and any other new developments relevant to their task.

Deeply appreciating your consideration, we remain sincerely yours,

Peter J. Hustinx
President of the Registration Chamber