DATA PROTECTION COMPLIANCE UNDER SCRUTINY

Accountability on the ground
**Why does it matter??**

- Data Protection = Fundamental right
- Rule of Law = clearly defined legal frameworks
- Europol = “legal highway” for information sharing
- Europol processes a large amount of sensitive criminal intelligence
- Trust factor
The Operational Challenges

Aspects relevant to criminal investigation:

1. **Borderless nature** of the internet;
2. Use of **encryption**;
3. **Anonymity**;
4. Ongoing **technological development**;
   and
5. **Insufficient technological equipment** of law enforcement authorities.
THE OPERATIONAL CHALLENGES
EUROPOL PROCESSING PURPOSES

- Cross-checking
- Strategic or thematic analysis
- Operational analysis
- Facilitating information exchange
BUSINESS SPECIFICS

- Inventory of processing operations
- Assessment of risks
- Data protection impact assessment
- Prior consultation
PRIOR CONSULTATION

Description of processing

Check and review

Assessing necessity and proportionality

Sign-off

Risk analysis

Risk treatment

New type of processing operations to substantial changes of already existing processing operations

Where:
(a) Special categories of data as referred to in Article 9(2) are to be processed;
(b) The type of processing, in particular using new technologies, mechanisms or procedures, presents specific risks for the fundamental rights and freedoms, and in particular the protection of personal data, of data subjects

Data Protection Impact Assessment (DPIA)

Prior consultation by the EDPS

EDPS prior consultation opinion and recommendations

Compliance

Internal Article 39 register

DPIF recommendations

Compliance
PERSONAL DATA BREACH
DATA SUBJECT ACCESS RIGHTS

Dedicated data subject access/rectification request register

Specifics of law enforcement

Document which exception is being used to restrict any data subject right
THIRD PARTY COOPERATION — NEW RULES

Transfer of personal data to third countries and international organisations:

❖ adequacy decision;
❖ an international agreement concluded between the Union and that third country or international organisation pursuant to Article 218 TFEU;
❖ an existing cooperation agreement.

+ case-by-case cooperation / + set of transfers
THIRD PARTY COOPERATION — NEW RULES

❖ existing cooperation agreement

Conditions:

✓ Concluded before 01/05/2017
✓ Revised by the EC (assessment of provisions) by 14/06/2021
✓ EC informs the EP and the Council about the outcome
✓ EC may submit to the Council a recommendation for a decision authorising the opening of negotiations (international agreement)
SUPERVISORY ARCHITECTURE
POLITICAL OVERSIGHT

Joint Parliamentary Scrutiny Group

Europol and its parliamentary scrutiny in the framework of EU Internal Security policies
WRAP UP – WHY DO WE NEED TO GET IT RIGHT?

- Rights of the citizens
- Potential failure of multi national investigations
- Quality of the records used
- Liability
- Reputational damage
FIND OUT MORE IN OUR E-MAGAZINE
JOIN OUR EXPERT COMMUNITY - EDEN

Just send us an email to eden@europol.europa.eu

SAVE THE DATE: 15&16/10/2020
QUESTIONS?
CONTACTS

Sónia Sousa Pereira
sonia.sousapereira@europol.europa.eu
+31 (0)70 353 1213
+31 (0)6 502 502 62
Thank you