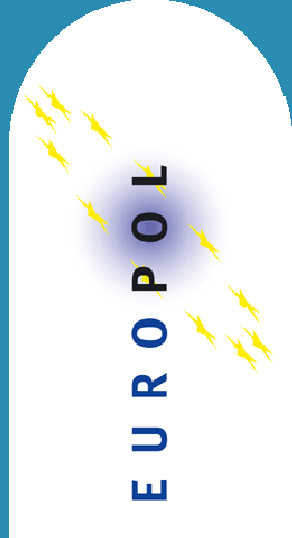


Intelligence Gathering & Data Protection- the Europol Situation

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Europol Mission Statement

To make a significant contribution
to the EU's Law Enforcement
actions in preventing &
combating serious international
crime **with a particular emphasis
on the criminal organisations
involved**

Key legal instruments

- **Europol Convention (EC)**
(Based on Article K3 of the treaty of the European Union)
- **Rules Applicable to Analysis Workfiles (AR)**
(Council Act, 25th September 1998)
- **Analysis Workfiles Manual (internal guideline)**

Concerns for citizens Rights

14 of 25 MS recently lived under “authoritarian”

regimes:-

- **1946 Italy**
- **1949 Germany (West)**
- **1955 Austria**
- **1974 Greece, Portugal**
- **1975 Spain**
- **1989 Czech Republic**
- **1990 Germany (East = Unified)**
- **1990 Hungary, Lithuania, Poland**
- **1991 Latvia, Estonia, Slovenia**
- **1993 Slovakia**

Joint Supervisory Body (JSB)

- EC Article 24
- “Independent... have the task of reviewing... activities Europol... to ensure the rights of individuals are not violated... data held at Europol.”
- Planned inspections (March)
- Follow-up report: criticisms & recommendations
- Snap inspections
- Response to requests from individual citizens

AR Article 9:

- **The Director of Europol shall take the measures needed to ensure compliance with these rules and with other data protection provisions.**
- **To this end, he shall appoint an experienced member of staff whose duties make him directly answerable to the Director.**
- **Heads of Units & Project Managers responsibility**
- **Staff training & integration into daily work**

Only 2 places to store personal data:-

EC Article 6 "Computerized system of collected Information"

- **Information System (IS)**
- **Analysis Workfiles (AWF)
(Index System)**

EC Article 7: Establishment of the IS

- **“In order to perform its’ tasks, Europol shall establish and maintain a computerized information system”**

EC Article 8: Content of the IS

- **“only the data necessary for the performance of Europol’s tasks”**
- **“Suspects” & “Convicts”. Fact, or future.**

EC Article 9: Right of Access

- **Only National Units, Liaison Officers, the Director, Deputy Directors or Duly Empowered Europol Officials shall have the right to input data... and retrieve it.”**

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AWF

- **EC Article 10: collection/processing/utilisation of data**
- **EC Article 11: Index System**
- **EC Article 12: Opening Order**

Responsibility for Data Protection

EC Article 15:

- **The responsibility for data stored at Europol... as regards legality of collection, transmission to Europol, input, accuracy... storage time limits shall lie with:-**
 - The MS which input or otherwise communicated the data;
 - Europol, in respect of data communicated by 3rd parties or which resulted from Europol's analysis

EC Article 10

- Europol may store, modify & utilise... data on **criminal offences** for which Europol is competent, which are intended for specific analyses...”

AR Article 3

- “... data shall remain under the responsibility of the MS which supplied the data, and subject to its national legislation until they have been included in an analysis workflow...”

Change of responsibility (ownership?)

- **Mandated crime area**
- **Two or more Member States**
- **Organised crime involvement**
- **Prioritised area**

Opening Order

AR Articles 5&6

- **Legal contract between Europol & JSB- approval to MB**
- **Purpose of the file**
- **Categories of persons (convict, suspect, witness etc)**
- **Categories of data (name, DOB, ID number etc)**
- **Data retention status**

Data Collection Plan (shopping list)

Opening Order, para 6.2:-

“The following... may be included where they are strictly necessary for the purpose of the file”:

- Racial origin
- Religious or other beliefs
- Political opinions
- Sexual life or health

Responsibility of the Project Manager

Legal Questions:-

- **Who supplied the data?**
- **Is it provided for the AWF?**
- **Is it an allowed category of person?**
- **Is it an allowed category of data?**

Operational Questions:-

- **Is it recent data?**
- **Is it relevant data?**

Conditions to link data items

- **Related to a “criminal offence/event”**
- **Convicts & suspects**
- **Contacts & associates – only of convicts & suspects**
- **All linked back to original source document**

- **Creation Date**
- **Update date**
- **Annual Review (1yr & 2yr) AR Art. 7.1**
- **3 Year deletion AR Art. 7.3**
- **Correction & deletion EC Art. 20**

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Codes

- **Evaluation Codes [4 x 4 system] AR Art. 11**
- **Handling Codes**
- **Confidentiality Codes**

- **JIT**
- **ECIM**
- **Integrated EU 'criminal intelligence system'?**

Summary

- **Data protection an integral part of Europol work.**
- **Limitations keep us legal,**
- **Creates apparent disadvantages,**
- **But also assists with focussing efforts & intelligence**
- **MS confidence**
- **Ongoing success**

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Any Questions?

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