



EUROPEAN DATA
PROTECTION SUPERVISOR



European Data Protection Supervisor

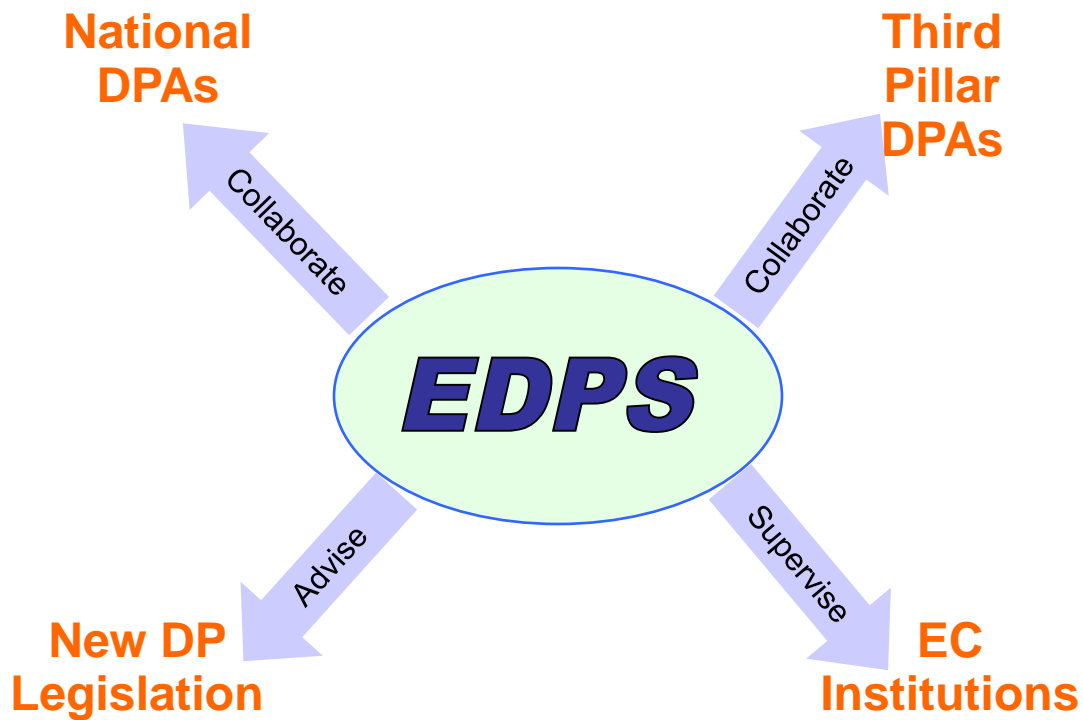
E-Justice and data protection at the European level: ECRIS

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European Data Protection Supervisor





E-Justice

- Communication from the European Commission of 30 May 2008
 - E-Justice Portal
 - Network of secure exchanges for judicial authorities
 - **Interconnection of criminal records**
 - Etc.
- Most welcome
- Guaranties have to be adopted



A piece is missing

- Present framework
 - Council of Europe Convention 108 and Protocol on PDAs and international transfers
 - Article 6 TEU
 - Articles 7 & 8 of European Charter of FR
 - [Future Article 16 TFEU]
 - Directive 95/46/EC does not apply (Art. 3.2)
- Project of FD on data protection in police and judicial cooperation in criminal matters
 - State of play
 - Assessment



Criminal records

- Project of FD on organisation and content of information from criminal records
 - Central authorities
 - Member State of nationality, key role
 - Only for EU citizens
 - Article 11: European Criminal Records Information System (ECRIS)
- Project of Council Decision on ECRIS
 - No central database
 - Using S-TESTA network
 - Role of the EC
 - Inter-exchangeable information: terminology



Data protection in ECRIS

- EDPS Opinions of 29 May 2006 (FD) & 16 September (Council Decision)
- Main conclusions
 - Entering into force of FD on DP as a pre-condition
 - Restrict purposes other than criminal proceedings
 - Forwarding of updates by ME of nationality, especially of cancellations
 - Coordination among national DPAs and EDPS (as DPA for EC)



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