

# EUROPEAN PARLIAMENT

## COMMITTEE ON CITIZENS' FREEDOMS AND RIGHTS, JUSTICE AND HOME AFFAIRS

**Tuesday, 25 March 2003, 9 a.m. - 12.30 p.m.**

CHAMBER OF THE EUROPEAN PARLIAMENT  
Paul-Henri Spaak Building  
Rue Wiertz  
BRUSSELS

### PUBLIC SEMINAR

**Data protection since 11 September 2001 :  
what strategy for Europe ?**

### DRAFT PROGRAMME

Three years ago now, on 2 February 2000, the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs organised a hearing <sup>(1)</sup> to discuss the threats to data protection, in both the private sector and the public sector in the European Union. Three years on, we need to look at this matter again, not only in the light of the first report evaluating Directive 95/46/EC and the reform of the Union treaties, but also the impact of the tragic events of 11 September 2001 and government strategies for undifferentiated access to data of all kinds in order to detect threats of terrorism and organised crime at the earliest possible stage. Parliament recently debated this issue in Plenary. How can the European Union strike a balance between the requirements of freedom and security?

In an effort to answer this question, the seminar will cover the following issues:

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<sup>1</sup> [http://www.europarl.eu.int/hearings/20000222/libe/agenda\\_en.htm](http://www.europarl.eu.int/hearings/20000222/libe/agenda_en.htm)

**9.00 :**           **Opening of the proceedings**  
by **Mr** Jorge Salvador **HERNANDEZ MOLLAR**, Chairman of the  
Committee on Citizens' Freedoms, Justice and Home Affairs, and **Mr** Vitaliano  
**GEMELLI**, Chairman of the Committee on Petitions

**9.10 – 9.50 :**   **Current state of affairs and prospects for data protection within the Union:**

- Directive 95/46/EC and other Community data protection measures:  
(Mrs Susan BINNS representing the Commission) presentation of the first  
evaluation exercise for the Directive
- coexistence and conflict between the Community data protection system  
and regulations and practice in the security sphere (third pillar)  
(Mr Giovanni **BUTTARELLI**, President of the Schengen Authority)
- towards common principles and a common system : the Charter, reform of  
the Treaties and the German initiative for data protection in the security  
sphere (Professor Spiros **SIMITIS**)

**9.50 – 10.30 :**   **Presentations scheduled** from EUROJUST, EUROPOL and NGOs (BEUC,  
Statewatch (Mr Tony BUNYAN), EPIC (Mr Cedric LAURENT) and the  
European Parliament's rapporteurs, Mr Carlos COELHO and Mrs Elena  
PACIOTTI

**10.30 – 12.15 :**   **Relations between the EU and USA on data protection in the case of  
transatlantic flights**

10.30 – 10.50 : the Homeland Security Act and interconnection of public and private  
databases for security purposes. Data protection by the immigration and  
customs authorities (representative of the United States Mission)

10.50 – 11.10 : measures introduced or envisaged by airlines and IATA for transferring data  
while ensuring data protection (airline representative - IATA representative)

11.10 – 11.30 : measures introduced or envisaged by the national data protection agencies  
(Mr Stefano **RODOTÁ**, Chairman of the Working Party set up under Article  
29 of Directive 95/46)

**11.30 – 12.15 :**   **Presentations scheduled** from representatives of the national data protection  
agencies (ES, PT, DE, FR, UK, NL, .....), and airlines

**12.15 – 12.30 :**   **Conclusions of the seminar and messages**, if any, from the Presidency of the  
Council and/or the Commission and the chairmen of the EP Legal Affairs,  
Regional Policy, Transport and Tourism and Petitions Committees

## **Background note**

This seminar is designed to give experts and the national authorities faced with data protection problems an opportunity to brief Members of the European Parliament on their points of view on a number of paradoxes facing citizens and politicians. Within the Union:

- **coherence is advocated**, but how can the Union define a coherent and balanced approach in negotiations with third countries such as the United States when it has no clear competences for security matters, has great difficulty in legislating in the absence of any concept of European public order accepted by the Member States (<sup>1</sup>), is forced to rely on principles defined outside the Union (<sup>2</sup>) and there is no effective review by the Court? Will we have to wait for the ratification of the future Treaty in two or three years time before there is an institutional framework and coherent rules at Union level(<sup>3</sup>) ?
- **there is a call for targeted data protection**, but how is it possible to ensure this with the widespread use of methods requiring the undifferentiated processing of unlimited volumes of data to allow profiling, be it in the case of consumers or potential criminals? How would the 'data mining' techniques advocated in the United States be compatible with European legislation which defines in advance all the types of data that may be processed by the security authorities (see, for example, the list in the Customs Convention and the Schengen Information System);
- **compiling data in the name of the fight against terrorism is justified**, but no limits have been put on this concept which, in itself, is enough to justify intrusion in the private lives of citizens;
- **professionalism is demanded but private companies are increasingly being asked** to carry out public functions (for example, the possibility being envisaged in Europe of requiring Internet access providers to keep data or, in the United States, the involvement of the private sector in homeland security (<sup>4</sup>);
- **synergies between public authorities and Member States are called for**, but there is a proliferation of networks to be used by the public authorities for the transfer of security data (Schengen, SID, VISAS, EURODAC, EUROPOL, EUROJUST, FIDE...) without there being any master plan for the various systems or common standards and criteria to ensure compliance with the requirement of relevance and integrity of data.(<sup>5</sup>)

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<sup>1</sup> The EP debated this aspect at length in its Committee of Inquiry into the ECHELON system.

<sup>2</sup> In particular, Council of Europe Convention 108 and Recommendation 187 on data protection in police cooperation.

<sup>3</sup> The Union protects data on the basis of different standards depending on whether it is in the Community sphere or as part of intergovernmental cooperation under the third pillar. In order to provide a minimum basis, will we have to wait for the new Constitution or could we use of the link (Article 42) allowing such matters to be transferred to the Community framework?

<sup>4</sup> This is the explicit aim of the Homeland Security Act adopted recently.

<sup>5</sup> In the absence of real European standards, the Member States are reluctant to exchange data or use the increasingly numerous and complex networks that the Union makes available (for instance the future Schengen II system or the EUROPOL computer system).

- **effective checks are promised**, but there is a proliferation of monitoring authorities, particularly in the security sphere without any framework of cooperation being defined<sup>(1)</sup>;
- **comparable protection outside Union borders is promised**, but the very authorities that check standards are those that have an interest in exchanging data (the Commission in the Community sphere, Europol for security data).

### Guests

- Representatives of the Council and the Commission and representatives of the United States Mission to the Union
- the Chairman of the Article 29 Working Party, Mr Stefano Rodotà, President of the Schengen Information System Data Protection Authority, and the authorities of Europol, Eurojust and other Union bodies or networks concerned with data protection
- representatives of NGOs and private companies (airlines) more directly affected by data protection issues
- **members of the Citizens' Freedoms, Foreign Affairs, Legal Affairs, Transport and Petitions Committees**

### External contributions

Contributions could be invited from the coordinator of the network of experts on fundamental rights, Professor De Schutter, and from the authors of the research commissioned from the Seville Research Centre. Fact sheets on the different aspects of data protection should be available so that a simplified presentation can be made to the press.

**N.B.** As speaking time will be strictly limited, it is suggested that those wishing to speak should also present **written contributions before the meeting** so that these can be duplicated and distributed at the meeting.

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<sup>1</sup> A joint Secretariat has been created in the Council but there is still not any common Authority or any common rules.

# New .eu Domain

## Changed Web and E-Mail Addresses

The introduction of the .eu domain also required the web and e-mail addresses of the European institutions to be adapted. Below please find a list of addresses found in the document at hand which have been changed after the document was created. The list shows the old and new address, a reference to the page where the address was found and the type of address: http: and https: for web addresses, mailto: for e-mail addresses etc.

**Page:** 1           **Old:** [http://www.europarl.eu.int/hearings/20000222/libe/agenda\\_en.htm](http://www.europarl.eu.int/hearings/20000222/libe/agenda_en.htm)  
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