

**Question for written answer E-004113/2019
to the Commission**

Rule 138

Diana Riba i Giner (Verts/ALE)

Subject: Misuse of confidential information

On Wednesday 6 November 2019, the Spanish Minister of Foreign Affairs and Commissioner-designate for the post of Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, Josep Borrell, published a tweet including a screenshot of the SIRENE document from the UK authorities requesting further information from Spain regarding the European arrest warrant issued by Spain seeking to extradite former Catalan minister Clara Ponsatí who is currently based in Scotland ¹.

Access to the SIRENE system is restricted to the competent law enforcement and judiciary authorities, and Member States must apply their rules of professional secrecy as enshrined in Article 11 of Council Decision 2007/533/JHA of 12 June 2007. Political authorities are not included on the list of the Spanish competent authorities authorised to search these data directly pursuant to Article 46(8) of the Council Decision. Article 4(1)(a) of Directive 2016/680 of 27 April 2016 stipulates that Member States must provide for personal data to be processed lawfully and fairly, and Article 4(1)(f) states that the processing of personal data should be carried out in a manner that ensures appropriate security of the personal data.

Does the Commission consider that:

1. Mr Josep Borrell's publication contravenes any of the provisions mentioned above?
2. Mr Josep Borrell misused restricted data and in so doing acted in breach of the presumption of innocence in Ms Ponsatí's case?

¹ <https://www.lequotidien.lu/international/josep-borrell-met-lespagne-et-la-commission-von-der-leyen-en-difficulte/>