

Article 29 Data Protection Working Party Working Party on Police and Justice

Brussels, 29 April 2008
D6763 (2008)

Mr. Jacques Barrot
Commissioner for Justice Freedom
and Security
European Commission
Rue de la Loi 200
B - 1049 Brussels

Dear Mr. Barrot,

At the last plenary meeting of the Article 29 Working Party, your services gave a presentation of the Communications of the Commission of the 13th February providing the possible future scenario for border surveillance and controls.

This is a matter of great interest for all EU national data protection authorities, given the major impact on the free movement of persons, including EU nationals and persons legally residing in the EU territory, their fundamental rights and, in particular, their right to privacy and data protection. The reason for this is that most of the measures mentioned in the communications are based on the growing, massive collection and exchange of personal details of the individuals who intend to cross EU borders – and particularly on physical features which are unique to each individual..

At its meeting of the 27th March, the Working Party on Police and Justice (WPPJ) also brought these documents to the attention of the members in order to consider their possible impact in the field of law enforcement activities.

The attached comments are an initial reaction to the above mentioned documents, and are without prejudice to more detailed opinions and specific interventions to be defined and adopted if and when concrete proposals follow.

The European Data Protection Supervisor sent his preliminary comments on the communications on the 3rd March. The Spring Conference of European Data Protection Authorities, held in Rome on the 17th and 18th April also adopted a declaration on the communications.

The Article 29 Working Party was set up under Article 29 of Directive 95/46/EC. It is an independent European advisory body on data protection and privacy. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC.

The secretariat is provided by Directorate C (Civil Justice, Rights and Citizenship) of the European Commission, Directorate General Justice, Freedom and Security, B-1049 Brussels, Belgium, Office No LX-46 01/43.

Website: http://ec.europa.eu/justice_home/fsj/privacy/index_en.htm

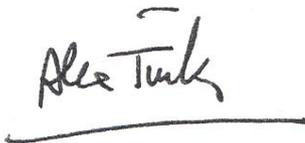
The Working Party on Police and Justice was set up as a working group of the Conference of the European Data Protection Authorities. It is mandated to monitor and examine the developments in the area of police and law enforcement to face the growing challenges for the protection of individuals with regard to the processing of their personal data.

As always, we confirm our readiness to provide our expert contribution, as national supervisory authorities and within the range of our competence, to all future work on these issues.

Yours Sincerely

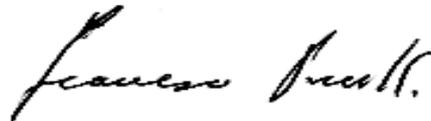
For the Art 29 Working Party

The Chairman
Alex TÜRK

Handwritten signature of Alex Türk in black ink, with a horizontal line underneath.

*For the Working Party
on Police and Justice*

The Chairman
Francesco PIZZETTI

Handwritten signature of Francesco Pizzetti in black ink.

Cc: Mr. Janis Jansa, President of the Council
Mr. Hans-Gert Pöttering, President of the European Parliament,
Mr. Gérard Deprez, President of the LIBE Committee
Mr. Dimitris Dimitriadis, President of the Economic and Social Committee
Mr. Luc Van den Brande, President of the Committee of the Regions