

Reporting back by the European Data Protection Supervisor and Europol Cooperation Board

As an independent supervisory authority of the European Union, according to Article 43 of Europol Regulation,¹ the European Data Protection Supervisor (EDPS) monitors the lawfulness of data processing carried out by Europol. It also advises the latter and natural persons on all matters concerning the personal data processing.

According to Article 51(2) of Europol Regulation, the EDPS appears before the JPSG to discuss general matters relating to above-mentioned area, while taking into account the obligations of discretion and confidentiality.

The Europol Regulation, in its Article 45, establishes the Cooperation Board, which is composed of representatives of each Member State's national supervisory authority and one representative of the EDPS. Its role is to facilitate cooperation between EDPS and national supervisory authorities in the area of data protection, where Europol is involved. As an independent advisory body, it should deliver opinions, guidelines, recommendations and best practices on various issues requiring national involvement.

The Cooperation Board *inter alia*:

- Discusses general policy and strategy of data protection supervision of Europol and the permissibility of the transfer, the retrieval and any communication to Europol of personal data by the Member States;
- Examines difficulties of interpretation or application of Europol Regulation;
- Studies general problems relating to the exercise of independent supervision or the exercise of the rights of natural persons in relation to data protection;
- Promotes awareness of data protection rights.

The Cooperation Board shall meet whenever necessary, and at least twice a year.

Chairman of the Cooperation Board is Professor Francois Pellegrini, commissioner at the National Commission for Information Technology and Civil Liberties (CNIL), the French data protection authority.

The involvement of national data protection authorities in the activities carried out by Europol is essential, as provided for by Article 44 of Europol Regulation. The vast majority of data collected and processed by the EU agency originates from the Member States.

¹ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol).

Member States also have access, in accordance with their national law and Article 7(5) of the Europol Regulation, to all information communicated to Europol in the framework of crime investigations that fall within its competence and to any analysis of strategic or thematic nature. This is without prejudice to the right of Member States, Union bodies, third countries and international organisations to indicate any restrictions.

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