

The Hague, 13 October 2004

Joint Supervisory Body of Eurojust

Opinion of the JSB on the Decision of the College of Eurojust to adopt a proposal to the Council regarding rules on the processing and protection of personal data at Eurojust of 28 September 2004

The Joint Supervisory Body was notified by the President of Eurojust that the College had, on 28 September 2004, unanimously adopted a proposal to the Council regarding rules of Procedure on the processing and protection of personal data at Eurojust.

On that date, the members also received the text of the rules, as agreed by the College, and an explanatory note from the Data Protection Officer outlining the amendments introduced in the text after the latest meeting of the JSB in July 2004.

In line with Article 10(2) of the Eurojust Decision, the proposal to the Council was formally presented to the Joint Supervisory Body for consultation during its meeting on 13 October 2004.

Conclusions

The Joint Supervisory Body discussed the proposal from the College article by article and recommended that a number of drafting amendments are introduced in the text before sending it to the College. These amendments are annexed to this opinion.

The Joint Supervisory Body stated its satisfaction about the proposed rules of procedure. The members of the JSB were of the view that the proposed rules constitute a balanced result offering an adequate level of protection but at the same time allowing Eurojust to operate in an efficient way.

The Joint Supervisory Body also welcomed the decision of the College to apply the proposed rules internally from the 15th of October on a provisional basis until the Council adopts the rules of procedure formally.

Annex: Amendments recommended by the Joint Supervisory Body

Article 11

Article 11 should be amended to read:-

“Unless required to do so by national or European law, a person acting as processor within Eurojust, with access to personal data, shall not process them except on instructions from the controller.”

Article 19 (1)

Article 19(1) should be amended to read:-

“In the context of the operational work of Eurojust, data subjects shall be provided with information as to the processing, as soon as it is apparent that the provision of this information to the data subject would not undermine:

a).....”.

The text of letters a) to d) remains unchanged.

Article 21

The last part of Article 21(3) should refer to Article 19(9) instead of Article 19(8) as this is the paragraph that refers to the competent law enforcement authorities in the Eurojust Decision.

Article 21(7) should be amended to read:-

“....shall ensure that this authority is informed of the fact of a reply given by the Data Protection Officer to the data subject.”

Article 27

The JSB recommended to add to this article a final sentence or, if so wished, a separate paragraph, to read:

“The Joint Supervisory Body shall carry out controls and audits in accordance with Article 23(7) of the Eurojust Decision.”