

Joint Supervisory Body of Eurojust**Decision****24 October 2019**

(Appeal no. EJ-JSB-19/03)

Appeal request

On 8 August 2019, the Joint Supervisory Body of Eurojust (JSB) received an appeal (dated 30 July 2019) from a UK citizen against the decision of Eurojust of 21 June 2019, regarding his/her request of access to possible personal data held on him/her by Eurojust (dated 9 April 2019).

Procedure

On 14 August 2019, the JSB responded to the applicant and found the appeal admissible, holding that the procedure, as set out in Articles 11 to 26 of the Act of the JSB of 23 June 2009 (JSB Act)¹, applied.

On 9 September 2019, the JSB forwarded the appeal to the College of Eurojust for its observations in accordance with Article 16(2) of the JSB Act.

On 26 September 2019, the College of Eurojust informed the JSB that it considered that all elements of the procedure had been followed thoroughly in accordance with the Eurojust Decision² and Eurojust's Data Protection Rules³. The College was in full agreement with the response of Eurojust communicating the decision of 21 June 2019 to the applicant.

On 24 October 2019, the JSB met to deliberate on the appeal.

¹ Act of the Joint Supervisory Body of Eurojust of 23 June 2009 laying down its rules of procedure, OJ C 182/03, 7.7.2010, available at: [http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/jsb/jsb/Act%20of%20the%20Joint%20Supervisory%20Body%20of%20Eurojust%20\(2009\)/JSB-Act-2009-06-23-EN.pdf](http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/jsb/jsb/Act%20of%20the%20Joint%20Supervisory%20Body%20of%20Eurojust%20(2009)/JSB-Act-2009-06-23-EN.pdf)

² 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime, OJ L 63 p. 1, 6.3.2003 amended by Council Decision 2009/526/JHA of 16 December 2008 on the strengthening of Eurojust, OJ L 138 p. 14, 4.6.2009, available at: <http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/eidecision/Consolidated%20version%20of%20the%20Eurojust%20Council%20Decision/Eurojust-Council-Decision-2009Consolidated-EN.pdf>

³ 2005/C68/01 Rules of Procedure on the Processing and Protection of Personal Data at Eurojust, available at: <http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/dataprotection/Eurojust%20Data%20Protection%20Rules/Eurojust-Data-Protection-Rules-2005-02-24-EN.pdf>

Decision

In accordance with Articles 19(8) and 23(7) of the Eurojust Decision, the JSB examined the compatibility of Eurojust's decision of 21 June 2019 in the case of the appellant with the applicable provisions of the Eurojust Decision.

The protection of natural persons in relation to personal data processing is a fundamental right. Articles 16(1) of the Treaty on the Functioning of the European Union (TFEU)⁴ and 8(1) of the Charter of Fundamental Rights of the European Union ('the Charter')⁵ provide that everyone has the right to the protection of personal data concerning him or her. Article 8(2) of the Charter states that "*everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified*". However, the right of access to personal data is not absolute and, in the context of Eurojust's work, the exceptions are listed in Article 19(4) of the Eurojust Decision, according to which the access may be denied if:

- *such access may jeopardise one of Eurojust's activities;*
- *such access may jeopardise any national investigation;*
- *such access may jeopardise the rights and freedoms of third parties.*

These exemptions can only be applied on a case-by-case basis and to the extent to which the interests of Eurojust or Member States or third parties outweigh the interests of a person exercising the right of access.

After evaluating all the information, the JSB finds that the decision taken by Eurojust on 21 June 2019 is compatible with Article 19(4) of the Eurojust Decision and therefore dismisses the appeal.

The Hague, 24 October 2019



Lotty Prussen

Chair

Joint Supervisory Body of Eurojust

⁴ Official Journal of EU, 2012/C326/1 Treaty on European Union and the Treaty on the Functioning of the European Union available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C:2012:326:TOC>

⁵ Official Journal of the European Union, 2012/C 326/2, Charter of Fundamental Rights of the European Union available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C..2012.326.01.0391.01.ENG&toc=OJ:C:2012:326:TOC>