Press release | 02.03.2010

Data retention

German court ruling is first step towards EU approach based on individual assessment, not blanket suspicion

The German constitutional court ("Bundesverfassungsgericht") in Karlsruhe today dismissed a German law on logging and retaining data linked to telecommunications. Although the judgment does not directly affect the duty for EU Member States to retain data, it is highly significant for the future debate on issues that also include SWIFT bank transfers and Passenger Name Records, according to **Jan-Philipp Albrecht**. The German Green MEP and member of the EP civil liberties committee commented:

"Today's German constitutional court judgment represents a step towards a data retention policy that is based on individual cases of necessity, rather than blanket suspicion of all citizens. The Court dismissed a German law that would have advocated retention of communications data in almost all cases and it underlined that this data must only be retained and used in specific cases of serious crime.

Today's court decision serves to underline that we urgently need an EU level debate on the Data Retention Directive. The 34,000 petitioners protesting against this Directive must now carry their fight from the constitutional court in Karlsruhe to the European Court of Human Rights in Strasbourg.

I welcome Commissioner Reding's commitment to review the Data Retention Directive. Europe must now move from a data retention policy based on general suspicion to one that targets and acts upon clearly identified and legally-justified cases. Passenger Name Records and the supply of SWIFT bank data to the US authorities are just two of the major ongoing battles."

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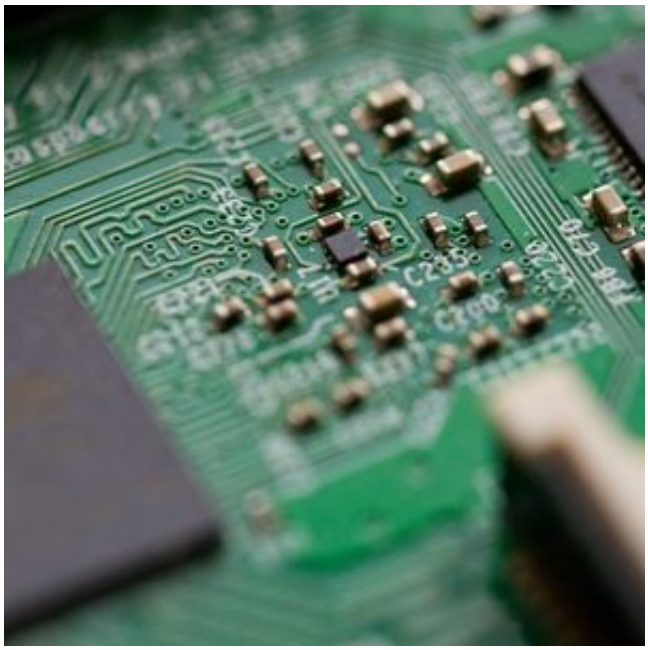


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