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ECJ ruling on data retention

Swedish and UK regimes are incompatible with EU law

The European Court of Justice (ECJ) has today ruled that the current data retention regimes for electronic communications services in Sweden and the UK are incompatible with EU law (1).

The ECJ ruling states that "general and indiscriminate" retention of data is illegal, but does allow Member States to retain data where strictly necessary for the purposes of fighting serious crime. Such data retention must be targeted and of a fixed duration. Access by national authorities to the data must be subject to approval by an independent body.

Commenting on the ruling, Green MEP **Max Andersson** said:

"Today's verdict is a victory for citizens' rights. The national legislation on data storage in the UK and Sweden is contrary to European law and both must take urgent action to bring their laws up to speed."

"A democratic state should not carry out mass-surveillance on its citizens: data retention must always be proportional and only carried out when absolutely necessary. When it goes beyond this, it is a clear breach of the EU Charter of Fundamental Rights."

(1) See the ECJ press statement for more details:

<http://curia.europa.eu/jcms/upload/docs/application/pdf/2016-12/cp160145en.pdf>

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Responsible MEPs



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