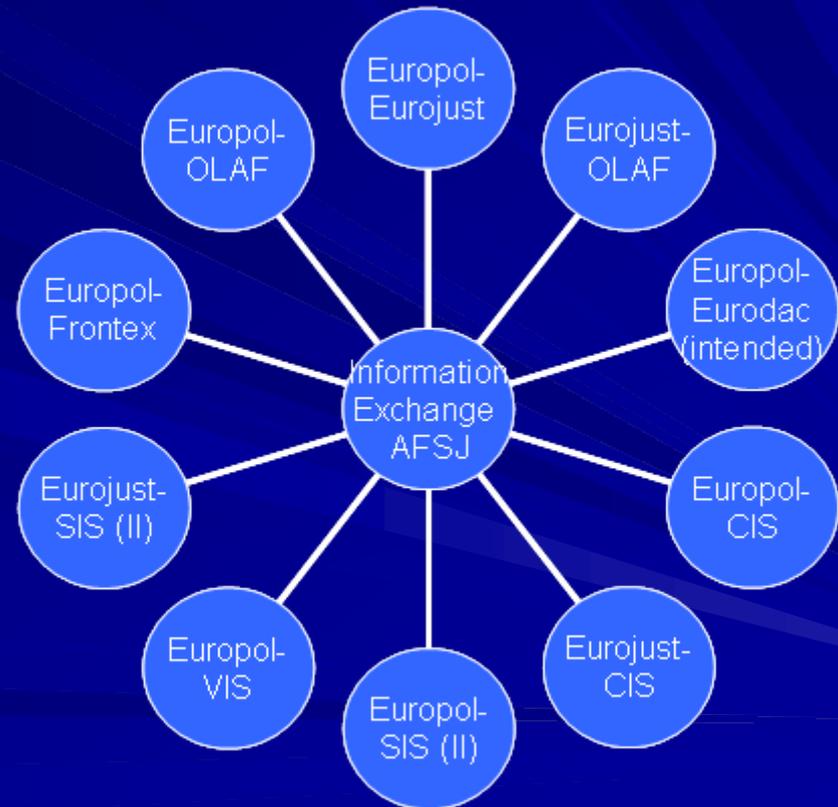


Police Data Sharing and Access to Corporate Databases

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Reminder: patchwork

- ▶ 27 MS + EU agencies with own DP rules
- ▶ Plus: increasing exchange between national, European and also third states (Prüm, PNR etc.)
- ▶ Framework Decision 2008/977 not yet transposed



New Directive as a solution?

► Yes and no

→ limited scope, however broader than FD 2008/977

→ *positive effects*: different data categories and degrees of accuracy, information, keeping of records, data breach notification, independent DPAs etc.

→ *negative effects*: often no legal consequences for non-compliance, weakened in comparison to the draft, quite far reaching exemptions, no impact assessment, powers of DPAs, no regulation of LE access to non-LE data etc.

► Directive is the minimum which should be done

→ also with regard to increasing EU initiatives in the area of P+J (data retention, EU-PNR, Prüm etc.), otherwise imbalance between rights of individuals and powers of LE

The way ahead?

- ▶ Profiting from experiences
 - case law of the ECtHR/national courts?
 - existing solutions within the MS
 - new case law of the EU courts ?
- ▶ Communication between stakeholders
 - including e.g. Internal LE DPOs and MS DPAs
- ▶ Political and social question

Thank you for
your attention!

Comments to:

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