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EDPS Opinion on European Criminal Records Information System: need for solid infrastructure, quality of information and effective supervision

On 16 September 2008, the European Data Protection Supervisor (EDPS) adopted an opinion on a proposal for a Council Decision on the establishment of an electronic European Criminal Records Information System (ECRIS). The Decision is part of a package designed to help EU Member States to share the criminal records of their citizens and exchange information on past criminal convictions.

The EDPS supports the proposal for the establishment of ECRIS, provided that a number of considerations are taken into account. In particular, he points out that additional data protection guarantees should compensate the current lack of a comprehensive legal framework on data protection in the field of cooperation between police and judicial authorities. He therefore emphasises the need for effective coordination in the data protection supervision of the system, which involves authorities of the Member States and the Commission as provider of the common communication infrastructure.

Peter Hustinx, Supervisor, says: "The processing of personal data relating to criminal convictions is of a sensitive nature, and the confidentiality and integrity of criminal records data sent to other Member States must be guaranteed. It is therefore paramount that high standards of data protection be applied to the functioning of the system, which should ensure a solid technical infrastructure, a high quality of information and an effective supervision."

The EDPS opinion also includes the following recommendations:

- a reference to a **high level of data protection** should be made in the Decision as a precondition for the **implementing measures** to be adopted;
- the **responsibility** of the Commission for the **common infrastructure** of the system, as well as the applicability of Regulation 45/2001, should be **clarified** to better ensure legal certainty;
- the **Commission** should also be responsible for the **interconnection software** of ECRIS - and not Member States as provided in the proposal - in order to improve the effectiveness of the exchange and to allow better supervision of the system;
- the use of **automatic translations** should be clearly defined and circumscribed, so as to favour mutual understanding of criminal offences without affecting the quality of the information transmitted.

The [Opinion](#) is available on our website.

For more information, please contact the EDPS Press Service at: +32 2 283 19 00

EDPS - The European guardian of personal data protection

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