



## PRESS RELEASE

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### Sharing of personal data with the United States must be accompanied by comprehensive and effective safeguards

On 17 September 2025, the European Data Protection Supervisor (EDPS) issued an [Opinion](#) on the negotiating mandate for a **framework agreement between the European Union and the United States of America** on the **exchange of information for security screenings and identity verifications**.

The aim of the Recommendation adopted by the European Commission, is to set out the legal structure and conditions for sharing of information between the competent authorities of the EU Member States and the United States. On this basis, individual Member States would be empowered to sign bilateral agreements for exchange of data from their national systems. This is linked to the requirement by the United States for admission to, and further participation in, the U.S. Visa Waiver Program, pursuant to which the partner countries have to conclude an 'Enhanced Border Security Partnership' with the U.S. Department of Homeland Security.

**Wojciech Wiewiórowski, EDPS, said:** *"While border security is a legitimate aim, the seriousness of the **interference with the fundamental rights to data protection and privacy**, resulting from the proposed sharing of personal data with a third country for the purposes of border and immigration control, should be considered as **comparable to the interference caused by the exchanges of data for law enforcement purposes**. Therefore, it is of utmost importance to provide **comprehensive and effective safeguards** with regard to the **protection of personal data and other fundamental rights and freedoms of the concerned individuals, regardless of their nationality and place of residence.**"*

The EDPS notes that the proposed framework agreement, once finalised, would establish an important precedent, as it would be the first agreement concluded by the EU to entail large-scale sharing of personal data, including biometric data (fingerprints), for the purpose of border and immigration control by a third country. Therefore, the EDPS stresses the need to ensure that the envisaged processing of personal data does not exceed the limits of what is strictly necessary and proportionate.

To this end, the EDPS makes a number of specific recommendations aimed at **defining the personal and the material scope of the envisaged data sharing** as narrowly as possible. Moreover, taking into account the specific prohibitions on certain data transfers laid down in EU law, any direct or indirect sharing and transfer of data from the EU large-scale IT systems in the area of justice and home affairs and in particular from those related to migration and asylum, must be strictly excluded.

Finally, the EDPS makes other important recommendations, including the **accountability mechanisms**, in particular the need for clear and specific justification of each query; the **transparency of the envisaged processing** and the corresponding information obligations of the competent U.S. and EU authorities; and the **availability of judicial redress** in the United States regardless of the citizenship.

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## Background information

The rules for data protection in the EU institutions, as well as the duties of the European Data Protection Supervisor (EDPS), are set out in [Regulation \(EU\) 2018/1725](#).

**About the EDPS:** The EDPS is the independent supervisory authority with responsibility for monitoring the processing of personal data by the [EU institutions and bodies](#), advising on policies and legislation that affect privacy and cooperating with similar authorities to ensure consistent data protection. Our mission is also to raise awareness on risks and protect people's rights and freedoms when their personal data is processed.

**Wojciech Wiewiórowski** (EDPS) was appointed by a joint decision of the European Parliament and the Council to serve a five-year term, beginning on 6 December 2019.

The selection procedure for a new EDPS mandate for a term of five years is still ongoing.

The European Data Protection Supervisor (EDPS) is the independent supervisory authority for the protection of personal data and privacy and promoting good practice in the EU institutions and bodies.

He does so by:

- monitoring the EU administration's processing of personal data;
- monitoring and advising technological developments on policies and legislation that affect privacy and personal data protection;
- carrying out investigations in the form of data protection audits/inspections;
- cooperating with other supervisory authorities to ensure consistency in the protection of personal data

**EDPS - The EU's Independent Data Protection Authority**

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