

**Declaration adopted at the
Conference of European Data Protection Authorities
in Budapest from 24 to 25 April 2006**

Expanding the crossborder exchange of information, and sharing data stored in national files, subject to the principle of availability, as part of the co-operation between police and judicial authorities at EU level has become the focus of discussions within Europe.

In this context, the Conference of European Data Protection Authorities reminds Member States that sharing personal information between their law enforcement authorities is permissible only on the basis of data protection rules ensuring a high and harmonized data protection standard at European level and in all participating states. Otherwise, the different levels of protection and the lack of common rules for access control to information could give rise to situations where minimum data protection standards are not respected. The Conference had pointed out in its Krakow Declaration that the existing legal instruments applicable in the EU on data protection were too general to provide effective data protection in the field of law enforcement. Therefore, the Conference welcomed the proposal of the EU Commission to harmonize and strengthen data protection at police and judicial authorities through the establishment of data protection safeguards in the Third Pillar that are to be applied when exchanging information under the principle of availability.

There is no alternative to creating a high and harmonized data protection standard in the EU Third Pillar. This is a logical consequence of the Hague Programme, according to which the safeguarding of freedom, security and justice are indivisible elements of the task of the EU as a whole, as well as of the recent steps taken at EU-level on issues such as the Visa Information System (VIS), the Schengen Information System II (SIS II) or the interoperability among European databases in the area of Justice and Home Affairs. Only with such a standard will it be possible to strike the right balance between the existing and future forms of information sharing between EU law enforcement authorities, and to comply with the principle of proportionality in safeguarding the security of the citizens living in the EU on the one hand and civil liberties in an area of

freedom, security and justice on the other hand. The Conference calls on the parliaments – both the European Parliament and the national representative bodies - to exert their influence on the governments of the EU Member States to this effect. The Conference appeals to Member State governments to respect and strengthen the civil liberties of the citizens living in the EU when expanding the possibilities for information exchange among Member States' law enforcement authorities.

The Conference deems it urgent that relevant data protection provisions are adopted and applied as soon as possible in this field. As a consequence, it recommends that the contents of the opinion adopted by the Conference of European Data Protection Authorities on 24 January 2006 are all taken into account when adopting the EU Commission's proposal for a Council Framework Decision on the protection of personal data processed within the framework of police and judicial co-operation in criminal matters.

Budapest, 25 April 2006