



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 29 June 2007

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DECLASSIFICATION

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Subject : Processing of EU originating Personal Data by United States Treasury Department for Counter Terrorism Purposes - "SWIFT"
- Exchange of letters between the EU and the US

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

RESTREINT UE



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ADDENDUM TO NOTE

from: the Commission
to: Delegations

Subject: Processing of EU originating Personal Data by United States Treasury
Department for Counter Terrorism Purposes - "SWIFT"
- Exchange of letters between the EU and the US

Delegations will find in Annex the draft letter that the US Department of the Treasury plans to send to the Presidency of the Council and to the Commission when transmitting the Representations as well as the draft reply from the Presidency of the Council and the Commission to the US Department of the Treasury.

RESTREINT UE

ANNEX

DRAFT REPLY FROM EUROPEAN UNION TO UNITED STATES TREASURY DEPARTMENT – SWIFT/TERRORIST FINANCE TRACKING PROGRAMME

The European Union acknowledges receipt of your letter of [...] containing representations regarding the processing and protection of personal data subpoenaed from SWIFT within the United States under the Terrorist Finance Tracking Programme.

We welcome these unilateral representations and the opportunity your Department has given the European Union to have its views and concerns duly reflected in the representations.

Once Swift and the financial institutions making use of its services have completed the necessary arrangements to respect EC law, in particular through the provision of information that personal data will be transferred for commercial purposes to the United States and, as regards SWIFT, the respect of the "Safe Harbour" principles, subject to lawful access by the US Treasury Department, Swift and the said financial institutions will be in compliance with their respective legal responsibilities under European data protection law.

The representations provide for oversight by an eminent European to be appointed in consultation with the Treasury Department. We will now begin the process of identifying appropriate candidates so that this work can begin in the first semester of 2008. The Commission will make contact with your staff to agree practical details concerning this oversight work.

We thank you for your cooperation in this matter, which shows the strength of our shared commitment to civil liberties, the fight against terrorism and the smooth functioning of the international financial system.

Yours sincerely,

For the Council of the European Union

For the Commission

VicePresident Frattini

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DRAFT LETTER FROM UNITED STATES DEPARTMENT OF THE TREASURY REGARDING SWIFT / TFTP

[Addressed to German Finance Minister and Vice President Frattini]

The United States Department of the Treasury is pleased to transmit to the Council Presidency of the European Union and to the European Commission a set of representations which describe the controls and safeguards governing the handling, use and dissemination of data under the Treasury Department's Terrorist Financing Tracking Program (TFTP).

The TFTP contains multiple, overlapping layers of governmental and independent controls to ensure that the data, which are limited in nature, are used strictly for counterterrorism purposes, that data are retained only for as long as necessary for counterterrorism purposes and that all data are maintained in a secure environment and properly handled.

As a sign of our commitment and partnership in combating global terrorism and its financing, we have included in the representations provision for the sharing of further information about the TFTP with an eminent European to be appointed in consultation with the Treasury Department. The task of this person will be to confirm that the program is implemented consistent with the representations for the purpose of verifying the protection of EU-originating personal data. Further practical details for the performance of these oversight responsibilities will be agreed.

The Treasury Department will endeavor to publish these representations in the Federal Register and consents to their publication in the Official Journal of the European Union.