



## PRESS RELEASE

Brussels, Tuesday 18 May 2010

### Revision of FRONTEX's mandate: EDPS calls for clear rules on data protection

Yesterday, the European Data protection Supervisor (EDPS) issued an opinion on the European Commission's proposal to strengthen the operational capabilities of the European Agency for cooperation at external EU borders, FRONTEX<sup>(\*)</sup>. The opinion focuses on the growing tasks of the agency as envisaged by the proposal and their consequences for data protection.

The EDPS expresses concerns about the fact that the proposal does not specify to what extent FRONTEX would be allowed to process personal data and, if so, under which circumstances, conditions and limitations.

Peter Hustinx, EDPS, says: *"I am surprised to see that the proposal is silent about the processing of personal data by FRONTEX, all the more so as the new legal framework in which FRONTEX is to operate in the near future is changing so fundamentally. It is essential to lay down clear rules on data protection and provide for a clarification of the conditions and circumstances under which data processing by FRONTEX could take place."*

The EDPS believes that the proposed Regulation should - to the extent necessary and appropriate - clearly address the question of the **scope of activities** that may give rise to the processing of personal data by FRONTEX.

A specific **legal basis**, subject to strong data protection safeguards and in accordance with the proportionality and necessity principles, is needed. Only where necessary for clearly identified and lawful purposes should such processing be allowed.

The Commission's reluctance to specify this legal basis in the proposed Regulation, or to clearly state the date by when it will do so, raises serious concerns. In the EDPS' view, this approach could lead to undesirable **legal uncertainty** and a significant **risk of non-compliance** with data protection rules and safeguards. He therefore firmly calls on the Council and the Parliament to provide more clarity.

---

(\*) Proposal of 24 February 2010 for a Regulation amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) (COM/2010/0061 final)

The [opinion](#) is available on the EDPS website.

For more information, please contact the EDPS Press Service at: [press@edps.europa.eu](mailto:press@edps.europa.eu)

**EDPS - The European guardian of personal data protection**

[www.edps.europa.eu](http://www.edps.europa.eu)