



Civil Liberties MEPs visiting Washington press for equal rights for effective judicial redress for EU and US persons in data transfer cases

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In a mission to Washington last week, Members of the Civil Liberties, Justice and Home Affairs Committee stressed to the US Department of Justice and to the US Congress the need to ensure for individuals whose personal data processed in the EU are transferred to the US equal rights for effective judicial redress as those granted for US persons, without no discrimination whatsoever.

"Our numerous talks with high-ranking officials of the Administration, as well as Members of Congress, showed that there is willingness on all sides to get equal treatment for EU and US persons when exchanging information across the Atlantic. Implementing this into legal acts as soon as possible is of paramount importance for rebuilding the trust of citizens as well as for improving transatlantic information exchanges, especially for security purposes", said **Jan Philipp Albrecht (Greens/EFA, DE, vice-chair of the Civil Liberties Committee)** who led the mission to Washington and also the committee rapporteur on the EU-US "umbrella agreement" on data sharing for law enforcement purposes.

The aim of the Civil Liberties Committee mission to Washington, D.C., which took place from 16 to 19 March, was to obtain up-to-date information on the state of play and progress in the US on major issues, such as data protection and the current legislative works by the US Congress on framing surveillance activities. MEPs also provided updates on the EU data protection reform and on counter-terrorism initiatives, including the EU Passenger Name Records (PNR) proposal.

One of the key objectives of the visit was to press for equal enforceable rights to effective judicial redress for EU individuals in cases of transfers of personal data to the US for law enforcement purposes. This is one of the last remaining barriers to concluding the EU-US "umbrella agreement".

While welcoming the initiative by which the US Administration acknowledges for the first time the discriminatory treatment of EU citizens in the US, the Civil Liberties Committee mission stressed to the US Department of Justice and to the US Congress the need to ensure for individuals whose personal data processed in the EU are transferred to the US equal rights for effective judicial redress as for US persons, without no discrimination whatsoever.

The EU is currently negotiating with the US an international framework agreement (the so-called data protection "umbrella agreement") in order to protect personal data transferred between the EU and the US for law enforcement purposes. This includes cases in which personal data is sent from the EU to the US for the prevention, detection, investigation and prosecution of criminal offences, including terrorism.

Law enforcement issues

The delegation also visited the National Targeting Center of the US Department of Homeland Security to discuss the use of Passenger Name Record (PNR) data, which is currently transmitted to the US under the EU-US PNR agreement.

Press release

A meeting at the US Department of the Treasury focussed on the use of the data transmitted under the Terrorist Finance Tracking Programme (TFTP) agreement.

Safe Harbour

In its meeting with the Department of Commerce (DoC) and the Federal Trade Commission (FTC), the Civil Liberties Committee mission stressed the need for the DoC and the FTC to implement without delay those recommendations already agreed with the Commission in order to put an end to the current deficiencies and shortcomings in the real functioning of the Safe Harbour identified by the Commission and which relate to the adequacy of protection to be afforded for data transfers to the US.

Transatlantic Trade and Investment Partnership

The delegation also met with members of the US Trade Representative's Office to stress that data protection should remain outside the scope of the Transatlantic Trade and Investment Partnership (TTIP), which is being negotiated at the moment. The EU data protection framework, which governs data processing in the EU, must remain in place. The key message the delegation had for the Americans was that compliance with the EU data protection framework is not protectionism, but respect of EU fundamental rights.

Mass surveillance and Intelligence

Updates on oversight of mass surveillance programmes were obtained in a meeting with the Privacy and Civil Liberties Oversight Board (PCLOB). Intelligence gathering was discussed with Robert Litt, the General Counsel of the Office of the Director of National Intelligence, and Congressman Devin Nunes (a Republican from California), Chairman of the Intelligence Committee of the House of Representatives.

Links

[Factsheet EU-US negotiations on data protection "umbrella agreement"](#)

[Working document by Jan Philipp Albrecht on the EU-US "umbrella agreement"](#)

[Civil Liberties Committee Inquiry on Electronic Mass Surveillance of EU Citizens](#)

[Documents on data protection reform](#)

[Press release - MEPs debate plans to use EU Passenger Name Record \(PNR\) data to fight terrorism \(11.11.2014\)](#)

[Press release - Changes to planned European Passenger Name Record \(PNR\) system discussed by MEPs \(26.02.2015\)](#)

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Useful information

- Committee on Civil Liberties, Justice and Home Affairs:
<http://www.europarl.europa.eu/committees/en/libe/home.html>

Press release

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