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**The Federal Commissioner for Data Protection and Freedom of Information:
“A welcome step but still only a little piece of the puzzle.”**

The EU and the US have laid down new standards for the transatlantic exchange of law enforcement information. These standards shall prohibit the transfer of data to third countries without the consent of the competent EU body or an unnecessarily long retention period. In addition, it is intended to provide far-reaching rights of action in the event of a breach of the rules.

Andrea Voßhoff said: “I welcome that the transfer of data to third countries is, in principle, prohibited without the consent of the competent EU body. The fact that EU-citizens are granted a right of action in the US is also a central point which I have explicitly required. However, the Agreement that was reached cannot be more than a first, albeit decisive step towards better data protection for European citizens in the US. In addition to the Umbrella Agreement in the field of law enforcement, I consider it equally important to improve data protection with regard to everyday data transfers in the private domain and in the economic area. Therefore, I hope that several years of negotiations between the EU and the US on “Safe Harbour” will also be brought to a successful conclusion in a timely manner.”

Given that the negotiations were not public, it is not possible at this stage to come to a final assessment of the agreement from a data protection point of view.

Details relating to retention periods and to data protection supervision are not yet known. In addition, for the implementation of the right to action under this Agreement, the Congress still has to adopt a Bill guaranteeing Europeans in the US access to judicial redress which is equivalent to the redress to which US-citizens are entitled in Europe.

There is one bitter drop: The scope of the Agreement will probably only cover the data which are transferred by the EU. Other data processed by US law enforcement authorities, irrespective of any transfer from the EU to the US, are not covered.

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