

Enhanced data protection rights for EU citizens in law enforcement cooperation : EU and US sign "Umbrella agreement"

On 2 June 2016, the European Union and the United States of America signed the so-called "Umbrella agreement" which puts in place a comprehensive high-level data protection framework for criminal law enforcement cooperation. The agreement improves, in particular, EU citizens' rights by providing equal treatment with US citizens when it comes to judicial redress rights before US courts.

The agreement was signed by Dutch minister Ard van der Steur and Commissioner Jourová on behalf of the EU and by Attorney General Loretta Lynch on behalf of the US authorities. Minister Van der Steur said: "This agreement symbolises the values the United States and the European Union share. It will improve cooperation between US and European Law enforcement authorities when combatting serious crime and terrorism. It will advance the full respect for fundamental rights whenever personal data is being transferred between us."

The "Umbrella agreement" covers all personal data exchanged between police and criminal justice authorities of the EU member states and the US federal authorities for the purpose of prevention, investigation, detection and prosecution of criminal offences, including terrorism.

The agreement will facilitate criminal law enforcement cooperation while, at the same time, providing safeguards and guarantees of the legality of data transfers. Those include, for example, provisions on clear limitations on data use, the obligation to seek prior consent before any onward transfer of data, the obligation to define appropriate retention periods, the right to access and rectification, etc.

The agreement will complement existing and future EU-US and member state-US agreements between law enforcement authorities. It is not in itself a legal instrument for any transfer of personal information to the US but it supplements, where necessary, data protection safeguards in existing and future data transfer agreements or national provisions authorising such transfers.

Next step

After the signature and before the agreement can be finally concluded, the European Parliament will need to give its consent.

[Data protection in law enforcement](#)