



PRESS RELEASE

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EDPS letter to incoming Portuguese presidency: fundamental rights are not captives of security

Peter Hustinx, the European Data Protection Supervisor, yesterday sent letters to the Portuguese Ministers for Justice and Interior. Hustinx requested the upcoming presidency to ensure sufficient consideration of data protection implications before Council initiatives are adopted. It seems that a number of agreements on new anti-terrorist measures have been concluded without fully considering the impact on fundamental rights. To help the Council avoid that from happening, the EDPS makes himself available as an advisor so that the Council can adopt effective as well as legitimate new policies.

Peter Hustinx says: *"I fear that messages such as 'no right to privacy until life and security are guaranteed' are developing into a mantra suggesting that fundamental rights and freedoms are a luxury that security can not afford. I very much challenge that view and stress that there should be no doubt that effective anti-terror measures can be framed within the boundaries of data protection"*.

In the letters, the EDPS expresses his concern that such a negative approach to individual privacy rights reveals an apparent lack of understanding of the framework of human rights law. This framework has always allowed for necessary and proportionate measures to combat crime and terrorism. This negative approach also ignores the lessons learned about the abuse of fundamental rights from dealing with terrorism within Europe's borders over the last 50 years.

The EDPS urges the Council to - just like the European Commission - make use of his availability as an advisor on all matters concerning personal data processing. A wide range of EDPS advice to the Commission for instruments in the First as well as in the Third pillar of the EU resulted in improved legislation.

Copies of the letters were sent to the European Commission Vice President Mr Frattini and to Mr Cavada, Chairman of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament.

The [letters](#) are available on our website.

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