

Brussels, 28 April 2014

Dear Vice-President Reding,

On Friday 25 April 2014, a US federal judge ruled that search warrants issued by US law enforcement authorities on the basis of the US Stored Communications Act extend to overseas email accounts.¹ This ruling again confirms that US authorities are able to obtain personal data of European citizens stored on EU territory. Does the Commission think that companies complying with such a warrant of a third country would be in breach of European and national data protection law?

Furthermore, how does the Commission assess this ruling of the US federal judge, and the impact of the US extraterritorial jurisdiction on the communications of European citizens? How does the Commission assess the impact of US extraterritorial jurisdiction on transatlantic agreements such as mutual legal assistance treaties, the EU US Passenger Name Record Agreement, the EU US TFTP Agreement, the Safe Harbour programme and the EU US umbrella agreement which is currently being negotiated?

Is the Commission aware of any other third country, for instance the Russia, exerting extraterritorial jurisdiction over personal data stored on European territory? How would the Commission respond to a breach in the protection of personal data on European soil through the extraterritorial jurisdiction of any other third country?

Has the Commission asked the US authorities for clarification? If not, why not? How is the Commission going to assure the European citizens that their personal data are protected against extraterritorial jurisdiction of third countries?

I urgently request the Commission to take serious steps in order to avoid any such violation of the European citizens' fundamental rights.

Kind regards,

Sophie in 't Veld

¹ Reuters, 25 April 2014, *U.S. judge rules search warrants extend to overseas email accounts*, link: <http://www.reuters.com/article/2014/04/25/us-usa-tech-warrants-idUSBREA3O24P20140425>