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P R E S S R E L E A S E

Data protection in cross-border data requests for law enforcement purposes Berlin Group calls for standards

The International Working Group on Data Protection in Telecommunications (so-called Berlin Group), chaired by the Berlin Commissioner for Data Protection and Freedom of Information, Maja Smolczyk, has adopted the **Working Paper ‘Standards for data protection and personal privacy in cross-border data requests for criminal law enforcement purposes’** at its 63rd meeting in Budapest (Hungary) on 9 and 10 April 2018.

Law enforcement has become an international undertaking. As data is more and more exchanged and stored around the world law enforcement authorities increasingly seek access to personal data held beyond their national borders in criminal investigations. In the light of this development trans-border access to cloud data has been identified as high priority by governments and led them to take actions in this field. However, cross-border data requests present difficult questions of compliance with national and international data protection and privacy standards.

Traditional arrangements to facilitate international coordination by law enforcement agencies as they work now are said to be overburdened by the increasing frequency and complexity of cross-border data requests. However, alternate arrangements for transferring data, like voluntary arrangements between providers and foreign governments, can be subject to varied or unknown standards, do not have force of law, and so provide little assurance of protection for the rights of data subjects.

In its recently published Working Paper the Berlin Group urges that current and future legal frameworks must maintain strong data protection standards and makes recommendations for appropriate safeguards. The Working Group calls on governments and international organisations to preserve data protection and privacy interests while encouraging prompt and adequate processing of legitimate cross-border data requests.

The Working Paper is available for download at <http://www.berlin-privacy-group.org>

About the International Working Group on Data Protection in Telecommunications (“Berlin Group”)

The International Working Group on Data Protection in Telecommunications (IWGDPT, a.k.a. “Berlin Group”) includes representatives from Data Protection Authorities and international organisations dealing with privacy matters from all over the world. It was founded in 1983 in the framework of the International Conference of Data Protection and Privacy Commissioners at the initiative of the Berlin Commissioner for Data Protection, who has since then been chairing the Group. The Group has adopted numerous recommendations (“Common Positions” and “Working Papers”) aimed at improving the protection of privacy in telecommunications. Since the beginning of the 90s the Group has focused particularly on the protection of privacy on the Internet.

More information about the Work of the Group and the documents adopted by the Group are available for download on the website of the Group at <http://www.berlin-privacy-group.org>.

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The Working Group has been initiated
by Data Protection Commissioners
from different countries in order
to improve privacy and data protection
in telecommunications and media