

Internal control mechanisms at Europol

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Résumé :

Europol has a comprehensive, robust and tested regime in place, which is widely recognised as safeguarding and ensuring the highest standards of data protection. It aims at ensuring the protection of personal data of those whose data are processed in Europol's systems.

Prominent data protection features at Europol entail independent data protection supervision (both internal and external), Europol's secure information exchange capabilities, data protection compliant outreach to the private sector and clearly defined purpose specifications for processing operations upon personal data in Europol's databases.

It is recognised that the data protection rules in place are essential for the success of operations aiming at preventing and combating serious and organised crime and terrorism. High data protection standards lead to high quality of data which itself is a precondition for high quality crime analysis.

Internal compliance with the data protection set of rules is ensured by a combination of consultancy and assurance functions of the Data Protection Officer (DPO) of Europol whose primary task is to ensure, in an independent manner, lawfulness and compliance with the provisions of the Europol Council Decision¹ (ECD) concerning the processing of personal data, including the processing of personal data relating to Europol staff (art 28 ECD).

Specific training on data protection matters is a pre-requisite to a newcomer gaining access to Europol's systems. A dedicated e-Learning module combined with onsite training is part of the induction programme for newcomers.

In addition, Privacy by Design is a well-established practice at Europol, ensured via the early DPO involvement in Europol's project lifecycle. The DPO assists the organisation in detecting and mitigating any given data protection risks, designing adequate security measures and implementing adequate controls. A dedicated Data Protection network was established in the Operations Department as an early and working level communication tool intended to facilitate the exchange of information on data protection matters at Europol.

The third line of defence rests in the assurance function of the DPO. The new Unified Audit Solution (UAS) enables Europol with a state of the art audit capability, fully designed and implemented in accordance with DPO's specific needs. It aims at a progressive approach, moving from a reactive to a proactive and preventative audit paradigm.

In the era of Big Data, Europol is proud to have developed a Big Audit capability. UAS features real time monitoring, alerting based on specified data protection use cases, tailored reporting means, and ad-hoc monitoring via the establishment of active channels

¹ Council Decision of 6 April 2009 establishing the European Police Office (Europol)

based on specific parameters. The control of the legality of data processing at Europol is a legal requirement (art 18 ECD), which will substantially increase with the new Europol Regulation (obligation to keep the audit logs for 3 years against the current 18 months). Finally, the independent status of the DPO is aimed at effectively ensuring that the advice provided to management is taken in due consideration. The escalation procedure to the Management Board and to the Supervisory Body, enshrined in art 28.4 ECD, is a guarantee of independence vis-à-vis institutional data protection compliance.