



EUROPEAN DATA
PROTECTION SUPERVISOR

European Data Protection Supervisor

Data protection in the EU Area of freedom, security and justice under the Lisbon Treaty

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General outline

- EU Data protection and the EDPS
- Biometrics – increased use for border management
- The Lisbon Treaty: main changes in the area of freedom, security and justice and data protection

Role of EDPS

- Regulation (EC) 45/2001
 - » Independent authority > EC institutions and bodies
- Supervision
 - » Monitoring compliance
- Consultation
 - » Advising on new legislation
- Cooperation
 - » National DPA, WP29, JSA

Biometrics and data protection: Outstanding issues (1)

- Recognise limitations of biometrics
 - » *Make informed decisions*
 - » *Introduce fall-back procedures*
- Policy choices must be made
 - » *Biometrics are not only about technology*
- Fight against the risk of exclusion by biometric systems
 - » *Age limits, physical or ethnic differences*

Biometrics and data protection: Outstanding issues (2)

- The purpose of each biometric application should be clearly specified
- Embedment of privacy-enhancing features in the systems

The Lisbon Treaty : Main changes (1)

- Abolition of the Pillars structure
 - » *Decision-making process*
 - » *Involvement of EU Parliament*
 - » *Improved consistency*
 - » *No need anymore for a sometimes artificial distinction*

The Lisbon Treaty : Main changes (2)

- Emphasis on fundamental rights
 - » *EU Charter of fundamental rights made legally binding*
 - » *Accession of the EU to the European Convention on Human Rights*
 - » *Affirmation of “values” of the EU*

The Lisbon Treaty : Main changes (3)

- Data Protection as a fundamental right
 - » *Direct application*
 - » *Core elements*
 - » *Need for data protection authorities*

What's next?

- Stockholm Programme: EU Information Management Strategy
 - » *Existing information systems need to be assessed*
 - » *Privacy by design*
- Need for increased international dialogue



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