

## WORKSHOP FOR JUDGES AND PROSECUTORS, DATA PROTECTION IN CRIMINAL PROCEEDINGS

**Place:** Council of Europe. Avenue de l'Europe, 67075. Strasbourg  
**Dates:** 12 to 14 September 2007  
**Languages:** English, French and Spanish. Simultaneous translation

### OBJECTIVES:

The Workshop will provide a theoretical and practical information about:

- Information systems and judicial and police criminal data-bases, setting up by International and European Institutions, Member States of the European Union and of the Council of Europe. Special consideration will be paid to the national legislation and practical cases in The Netherlands, Spain and United Kingdom.
- Principles and guarantees to be observed for an adequate access, processing and transfer of personal data.
- Scope of the fundamental right of personal data protection and its limits in the framework of criminal investigations.

Protection of personal data and its limits (right of access to data, rectification, erasure or blocking of data...) has been created and developed in the private sector, where the necessary protection of privacy against the access and manipulation of personal data by bank entities, insurances, and publicity and marketing companies was debated. In the meantime, police and judicial data-bases were developed without a legal framework and not taking into consideration that personal data is one of the fundamental rights of the citizens.

The Council of Europe has been a pioneer institution in the field of data protection and criminal investigations (i.e. Recommendation R(87) 15 of the Council of Europe, on regulating the use of personal data in the police sector, and its Evaluation Reports). During last years, this issue has also received the attention of the European Union. Internal rules of Europol and Eurojust, and Schengen Convention include legal dispositions on data protection.

Several legislative proposals offer different points of view of the principles, guarantees and rights to be taken into consideration during the collecting and processing of personal data in criminal area.

Most of the jurists are observing these debates in a passive position. This workshop will provide to Judges and Prosecutors detailed knowledge of the existing information systems, the principles and guarantees regulating the access, processing and communication of the information and the fundamental right of personal data and its limits in the police and judicial sector.

### TARGET GROUP:

Judges and Prosecutors from all Member States of the European Union and of the Council of Europe. Limited places – 75 participants *maximum*

### For further information please contact:

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HOSTED BY THE COUNCIL OF EUROPE

### CO-FINANCED BY:

University of Castilla-La Mancha  
Spanish Ministry of Science and Education

### WITH THE COLLABORATION OF THE FOLLOWING INSTITUTIONS:

European Data Protection Supervisor  
Eurojust  
Europol  
Secretariat of the Joint Supervisory Data-protection Bodies of  
the 3rd pillar of the EU

Spanish Data Protection Agency  
Data Protection Agency of the Vasque Country  
Spanish General Prosecutor Office  
Spanish General Council of the Judiciary

Dutch Data Protection Authority

Information Commissioner's Office of United Kingdom

### STEERING COMMITTEE:

Joaquín BAYO DELGADO.  
*Deputy Supervisor. European Data Protection Supervisor*  
Diana ALONSO BLAS.  
*Data Protection Officer in Eurojust*  
Ángeles GUTIÉRREZ ZARZA.  
*University Professor of Procedural Law. UCLM*

### SECRETARY OF THE CONFERENCE:

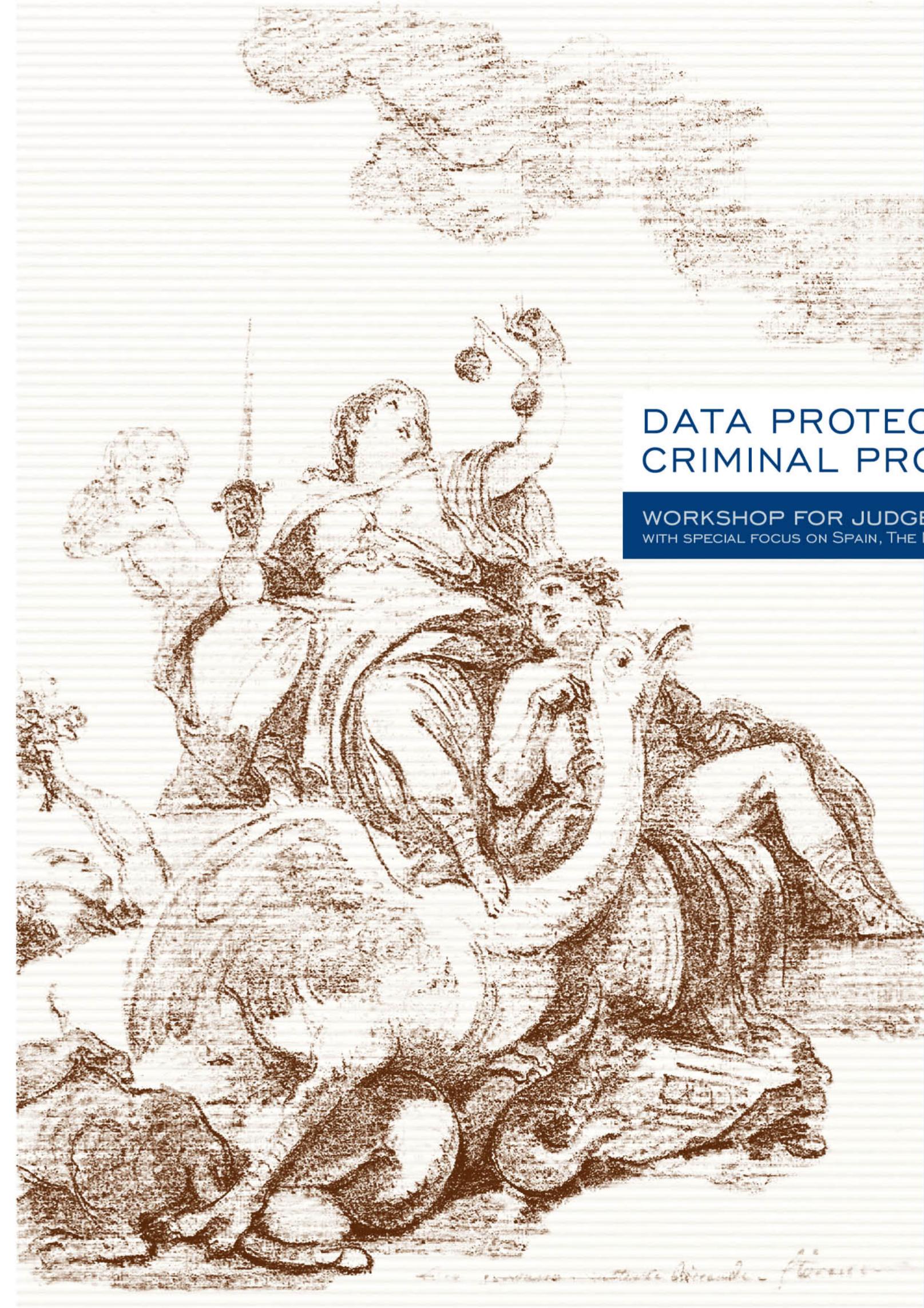
Sophie MEUDAL-LEENDERS  
*Legal Reform Department. Council of Europe*



## DATA PROTECTION IN CRIMINAL PROCEEDINGS

WORKSHOP FOR JUDGES AND PROSECUTORS  
WITH SPECIAL FOCUS ON SPAIN, THE NETHERLANDS AND UNITED KINGDOM

STRASBOURG  
12 TO 14  
SEPTEMBER  
2007



DATA PROTECTION IN  
CRIMINAL PROCEEDINGS

## WEDNESDAY 12 SEPTEMBER

9,00 to 9,30 ACREDITATIONS

### 9,30 to 10,30 OFFICIAL OPENING and FIRST REMARKS OF THE WORKSHOP

9,30 - Official opening

**Topics and speakers:**  
 9,50 - Purpose and focus of the workshop  
 Joaquín BAYO DELGADO  
*Deputy Supervisor. European Data Protection Supervisor*  
 10,10 - The case-study of the course  
 Ulco VAN DE POL  
*Ombudsman of Amsterdam*  
*Special member of the Dutch Data Protection Authority*

10,30 to 11,00 Coffee - break

### 11,00 to 12,30 THREE NATIONALS POINTS OF VIEW: THE NETHERLANDS, SPAIN, UNITED KINGDOM

**Topics and speakers:**  
 11,00 - Dutch controversial issues  
 \*\* Speaker from The Netherlands  
 11,30 - Spanish controversial issues  
 Francisco HERNANDEZ HERRERO  
*Prosecutor. Regional High Court of Andalusia*  
 12,00 - United Kingdom controversial issues  
 \*\* Speaker from United Kingdom

12,30 to 14,30 Lunch break

### 14,30 to 16,00 LEGAL INSTRUMENTS OF THE COUNCIL OF EUROPE and OF THE EUROPEAN UNION

**Topics and speakers:**  
 14,30 - The European Convention on Human Rights. The 108 Council of Europe Convention and other instruments of the Council of Europe  
 Sophie MEUDAL-LEENDERS  
*Legal Reform Department. Council of Europe*  
 15,15 - Legal instruments of the European Union. Information Systems in the Liberty, Security and Justice Area of the European Union.  
 Joaquín BAYO DELGADO  
*Deputy Supervisor. European Data Protection Supervisor*

16,00 to 16,30 Coffee - break

### 16,30 to 17,30 AVAILABILITY PRINCIPLE

Peter MICHAEL  
*Data Protection Secretary. Council of European Union*



## THURSDAY 13 SEPTEMBER

### 9:00 to 10,30 CRIMINAL INVESTIGATIONS

**Topics and speakers:**  
 9,00 - Data protection as a requirement for successful investigation. The Europol example  
 Daniel DREWER  
*Head of Information Integrity Unit. Europol*  
 9,45 - Criminal investigations with processing of personal data  
 Angeles GUTIERREZ ZARZA  
*University Professor of Procedural Law. UCLM*

10,30 to 11,00 Coffee - break

11,00 - Criminal investigations with processing of personal data (2)  
 Francisco HERNÁNDEZ HERRERO  
*Prosecutor. Regional High Court of Andalusia*

### 11,45 to 12,30 JUDICIAL COOPERATION IN CRIMINAL MATTERS

**Topic and speaker:**  
 11,45 - Exchange of personal data and judicial cooperation in criminal matters in European Union  
 Angelika MOHLIG  
*Legal officer in Eurojust*

12,30 to 14,30 Lunch break

### 14,30 to 16,00 THE ROLE OF JUDGES AND PROSECUTORS in the FIELD OF THE BASIC PRINCIPLES ON DATA PROTECTION

**Topics:**  
 Legal grounds and basis for processing  
 Fairness and proportionality  
 Content and quality issues

Finality principle  
 Time limits  
 Control mechanism

**Moderator:**  
 Diana ALONSO BLAS  
*Data Protection Officer in Eurojust*

**Speakers:**  
 Iñaki VICUÑA  
*Director of the Data Protection Agency of the Vasque Country*  
 Ulco VAN DE POL  
*Ombudsman of Amsterdam*  
 Special Member of the Dutch Data Protection Authority  
 David SMITH  
*Information Commissioner of United Kingdom*

16,00 to 16,30 Coffee - break



### 16,30 to 18,00 RIGHTS OF THE DATA SUBJECTS. ADDITIONAL DP ISSUES

**Topics:**  
 Who are the data subjects?  
 Right of access, rectification, blocking and deletion. Is there a right to opposition?  
 Exceptions  
 Practical consequences for legal proceedings

Information to the data subject and right to defense  
 Special categories of data  
 Confidentiality and security

**Moderator:**  
 Diana ALONSO BLAS. Data Protection Officer in Eurojust

**Speakers:**  
 Iñaki VICUÑA  
*Director of the Data Protection Agency of the Vasque Country*  
 Ulco VAN DE POL  
*Special Member of the Dutch Data Protection Agency*  
 David SMITH  
*Information Commissioner of United Kingdom*  
 Daniel DREWER  
*Head of Information Integrity Unit. Europol*

## FRIDAY 14 SEPTEMBER

### 9,00 to 9,45 EXCHANGE OF PERSONAL DATA WITH THIRD COUNTRIES AND ORGANIZATIONS

**Speaker:**  
 Artemi RALLO  
*Director. Spanish Data Protection Agency*

### 9,45 to 10,30 CONSEQUENCES OF THE UNAUTHORISED OR INCORRECT PROCESSING OF PERSONAL DATA

**Topics and speaker:**  
 9,45 - Right to an effective remedy. Right to receive a compensation. Extraordinary remedy for violation of fundamental rights?? Consequences in the trial  
 Marc CARRILLO  
*University Professor of Constitutional Law. Pompeu Fabra University*

10,30 to 11,00 Coffee - break

### 11,00 to 11,45 THE PRÜM CONVENTION

**Speaker:**  
 Peter HUSTINX  
*Supervisor. European Data Protection Supervisor*

### 11,45 to 13,15 FINAL REMARKS. PERSPECTIVES FOR THE FUTURE. CLOSING REMARKS

**Topics and speakers:**  
 11,45 - The case study of the course - final remarks  
 Ulco VAN DE POL  
*Special member of the Dutch Data Protection Agency*  
 Peter MICHAEL  
*Data Protection Secretary. Council of European Union*

12,30 - Perspectives for the future. Closing remarks  
 Joaquín BAYO DELGADO  
*Deputy Supervisor. European Data Protection Supervisor*