

Data Protection in Criminal Proceedings II Edition

1st Workshop - Strasbourg – 7 to 9 October 2009

Information systems and criminal data files – criminal investigations – data protection rules

In the framework of the Criminal Justice Programme of the European Commission and in close cooperation with the Council of Europe, the University of Castilla-La Mancha is launching the II Edition of Judicial Training on Data Protection in Criminal Proceedings – DPiCP Project

The 1st Workshop is hosted by the Council of Europe and will take place from 7 to 9 October 2009 in Strasbourg. – Building of the Council of Europe, Palais de l'Europe, room 9.

Judges and Prosecutors of EU Member States and candidate countries are invited to attend the Workshop, as well as representatives of the Ministries of Justice and Internal Affairs of the European Union, candidate countries, Norway, Israel and US.

Simultaneous translation in English, German and Spanish



9.00 – 9.30	Accreditations	
9.30 – 10.00	Inauguration – General remarks Representative of the CoE Representative of the EU BAYO DELGADO, Joaquin	
10.00 – 11.00	CoE Conventions and ECHR cases-law GAYEVSKA, Katheryna	
11.00 – 11.30	<i>Coffee - break</i>	
11.30 – 13.00	EU Instruments and TJCE cases-law European systems of information and criminal data basis Data basis in the fight against terrorism SCHAAR, Peter GUTIERREZ-ZARZA, Angeles	
13.00 – 14.30	<i>Lunch break</i>	
14.30 – 16.00	Availability principle. Convergence of data basis Prüm Convention MICHAEL ALEXANDER, Peter	
16.00 – 16.30	<i>Coffee - break</i>	
16.30 – 18.00	National data basis in criminal matters SCHAAR, Peter - Germany MAC GILLAVRY, Edwin. – Netherlands MARTÍNEZ, Fernando– Spain SMITH, David – United Kingdom	



Thursday 8th October

9.30 – 11.00	The fundamental right of data protection Data protection in domestic criminal investigations MOHLIG, Angelika – Germany MAC GILLAVRY, E.C. – Netherlands LESMES, Carlos – Spain SMITH, David – United Kingdom	
11.00 – 11.30	<i>Coffee - break</i>	
11.30 – 13.00	Data protection and judicial cooperation in criminal matters MOHLIG, Angelika STESSENS, Guy	
13.00 – 14.30	<i>Lunch break</i>	
14.30 – 16.00	Data protection in European institutions and bodies ALONSO BLAS, Diana DREWER, Daniel	
16.00 – 16.30	<i>Coffee - break</i>	
16.30 – 18.00	Gathering and admissibility of evidence in court BAYO DELGADO, Joaquin	



European Data Protection Supervisor



Friday 9th October

9.30 – 11.00	Transfer of criminal data from EU Member States to third countries DOMINGUEZ, Elena MOHLIG, Angelika – Germany MAC GILLAVRY, Edwin – Netherlands MORENO, Francisco – Spain SMITH, David – United Kingdom	
11.00 – 11.30	<i>Coffee - break</i>	
11.30 – 12.30	Agreements of cooperation between Eurojust and Europol and third countries ALONSO BLAS, Diana MICHAEL ALEXANDER, Peter	
12.30 – 13.00	Perspectives for the future HUSTINX, Peter	
13.00 – 13.30	<i>Closure - certificates of attendance</i>	

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Pool of experts

ALONSO BLAS, D – Eurojust DPO

BAYO DELGADO, J – former Deputy EDPS

DOMINGUEZ, Elena – Prosecutor and Expert AEPD

DREWER, Daniel – Europol DPO

MAC GILLAVRY – Prosecutor Office in Netherlands

GAYEVSKA, Katheryna - CoE

G. ZARZA, Ángeles – Eurojust Legal Service

HUSTINX, Peter - EDPS

LESMES, Carlos – Spanish Senior judge

MICHAEL, Peter – General Secret. Council EU

MOHLIG, Angelika – Prosecutor O. In Germany

SCHAAR, Peter – Commissioner DP in Germany

SMITH, David - UK Deputy Commissioner DP

STESSENS, Guy – General Secret. Council EU

Spanish Working Group

DE JORGE MESAS, Luis Francisco - CGPJ

DELGADO MARTIN, Joaquin – CGPJ

DEL CERRO, Antonio – FGE

FRIAS, Emilio – Prosecutor. Albacete District Court

MARCOS AYJON, Miguel – GD Justice, CLM Regional Gov.

MARTIN, Fernando – Investigating Judge, Sevilla

MORENO, Francisco – FGE

RODRIGUEZ, Maria Teresa – Judicial Secretary, Toledo



In the 80's the Council of Europe was a pioneer institution in the protection of personal data, with the adoption of the 108 Convention for the protection of individuals with regard to automatic processing of personal data, on 28 January 1981. In the specific area of criminal investigations the Council of Europe adopted the Recommendation R(87) on regulating the use of personal data in the police sector.

The European Union has also paid attention to the data protection issues in criminal matters. The Schengen Convention and later Europol and Eurojust establish their own systems for processing and exchanging criminal data and introduced appropriate rules on data protection. The FD 2008/977/JAI on data protection in criminal matters and the FD 2009/315/JAI on criminal records will be

applicable for the exchange of information between the EU Member States when investigating and prosecuting transnational criminal offences. In the fight against terrorism and organised transnational crime, judges and prosecutors should also apply domestic legislation governing data protection in criminal matters.

Most of the jurists does not have the necessary knowledge of the principles, guarantees and rights on data protection in criminal matters.

The DPiCP Project aims to promote the debate between judges, prosecutors and experts from the Ministries of Justice and Internal Affairs in this specific field. It includes also the elaboration of adequate training materials for judicial schools and judicial training centres.