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der	Gemeinsamen Kontrollinstanz von Eurojust
für den	AStV/Rat
<u>Betr.:</u>	Tätigkeitsbericht der gemeinsamen Kontrollinstanz von Eurojust für das Jahr 2011

1. Artikel 23 Absatz 12 des Beschlusses des Rates vom 28. Februar 2002 über die Errichtung von Eurojust lautet wie folgt: "Die Kontrollinstanz erstattet dem Rat einmal im Jahr Bericht."
2. In der Anlage ist der Tätigkeitsbericht der gemeinsamen Kontrollinstanz von Eurojust für das Jahr 2011 enthalten.
3. Der AStV wird ersucht, den Rat zu bitten, den als Anlage beigefügten Bericht zur Kenntnis zu nehmen und ihn gemäß Artikel 32 Absatz 2 des Beschlusses des Rates zur Errichtung von Eurojust dem Europäischen Parlament zur Information zuzuleiten.

**Activity Report of the
Joint Supervisory Body of
Eurojust for 2011**

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FOREWORD



As Chair of the Joint Supervisory Body of Eurojust (JSB) at the moment of adoption of this report, it is my pleasure to present the 9th Activity Report of the JSB, which provides an overview of the main activities carried out by the JSB in 2011.

Throughout this year, the JSB has closely followed the developments related to the European Union's future data protection framework and its possible implications for the activities of Eurojust, and has actively contributed to the discussions on the future supervision model in the area of police and judicial cooperation.

Another important area of work has been the enhancement of transparency and visibility regarding the work of the JSB. During 2011, the JSB has endeavoured to increase public awareness of its activities and, for this purpose, the JSB launched its website, making the work of the JSB of Eurojust more accessible, visible and transparent for all EU citizens. In addition, a number of publications and information folders have been issued and translated into official EU languages; they are available online and are provided free of charge by the JSB Secretariat to any interested person.

The year 2012 promises to be challenging and interesting in terms of data protection, especially in view of the fundamental reform of the European Union's data protection framework launched by the European Commission in January 2012. The JSB is ready and eager to face all new challenges that the future might bring and hopes that, whatever legislative steps and political decisions are taken, the expertise and substantial experience inherent in the present system of specialised supervision will be maintained.

I would like to take this opportunity to warmly thank my fellow members of the JSB troika, Ms Lotty Prussen and Mr Hans Frennered, with whom it has been a pleasure to work and to share our knowledge and expertise. I would also like to thank the College and staff of Eurojust for their contribution to the JSB's activities. Finally, I thank in particular Diana Alonso Blas, Eurojust's Data Protection Officer, and her staff for their invaluable support and input to the JSB's work.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Carlos Campos Lobo'.

Carlos Campos Lobo

Chair

INTRODUCTION

This is the 9th annual report of the Joint Supervisory Body of Eurojust (hereinafter “JSB”) since it was first established in May 2003 and outlines its main activities during the year 2011.

The JSB is established by Article 23 of the Eurojust Decision¹, as an independent body, to collectively monitor the activities of Eurojust involving the processing of personal data and to ensure that they are carried out in accordance with the Eurojust Decision and do not violate the rights of concerned individuals.

One of the most important tasks of the JSB is to examine appeals of individuals to verify that their personal data are processed by Eurojust in a lawful and accurate manner.

The JSB also monitors the permissibility of the transmission of data from Eurojust and provides its obligatory opinion concerning the provisions on data protection in agreements or working arrangements with EU bodies or cooperation agreements with third States.

1. ADMINISTRATION AND MANAGEMENT OF THE JSB

1.1 Composition of JSB

The JSB is an independent external supervisor in the field of data protection, established by Article 23 of the Eurojust Decision.

This body, composed of judges or members with an equal level of independence, has a very important task: *ensuring that the processing of personal data is carried out in accordance with the Eurojust Decision.*

Given the very sensitive nature of the information processed by Eurojust (data on persons who are subject to an investigation or prosecution, victims, witnesses and those convicted of crimes), ensuring that the rights of data subjects are properly protected is crucial. The JSB is composed of twenty-seven appointees, nominated by each Member State, three of whom are permanent members (see Annex I). Ms Lotty Prussen (Luxembourg), Mr Hans Frennered (Sweden, Chair from June 2010 to June 2011) and Mr Carlos Campos Lobo (Portugal, current Chair) were the three permanent members during 2011.

¹ Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust and amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime, hereinafter referred to as the “Eurojust Decision”.

In accordance with Article 3(2) of the Act of the Joint Supervisory Body 2010/C 182/03 of 23 June 2009², elections were held at the plenary meeting in June. Frennered was re-elected as a permanent member for further term of three years. Mr Campos Lobo took as Chair for the following year. Ms Prussen remained member for another two years.



JSB permanent members Hans Frennered, Lotty Prussen and Carlos Campos Lobo (left to right)

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The Secretariat of the JSB is contained within Eurojust, permitting it to ensure full communication and cooperation with all Eurojust post-holders. Where necessary, the Secretariat of the JSB may rely upon the expertise of the secretariat established by Decision 2000/641/JHA³.



Meeting of JSB permanent members, 10 November 2011

1.2 Meetings

The JSB meets regularly, usually four times a year, and its meetings take place at Eurojust. During those meetings, the members of the JSB have an opportunity to exchange views with the Eurojust College and administration regarding the developments in the organisation. In such a way, the JSB is always fully informed of all ongoing matters with any data protection relevance and can advise with timely effect and with full information about the organisation.

The permanent members met on 8 February, 7 April, 20 June and 10 November 2011 at Eurojust's headquarters in The Hague; a plenary meeting of the appointees took place on 21 June. To improve efficiency and transparency of its work and activities, the JSB circulated highlights of each meeting to the JSB appointees, the College of Eurojust and selected members of the administration of Eurojust. These highlights may also be found on the JSB webpage: www.eurojust.europa.eu/jsb-news.htm.

² Act of the Joint Supervisory Body of Eurojust of 23 June 2009 laying down its rules of procedure of 23 June 2009 (2010/C 182/03), hereinafter referred to as the "Act of the JSB".

³ Council Decision 2000/641/JHA of 17 October 2000 establishing a secretariat for the joint supervisory data protection bodies set up by the Convention on the Establishment of a European Police Office (Europol Convention), the Convention on the Use of Information Technology for Customs Purposes and the Convention implementing the Schengen Agreement on the gradual abolition of checks at the common borders (Schengen Convention), OJ L 271, 24.10.2000, p.1.

1.3 Participation and representation at the international data protection fora

Since 2010, the JSB of Eurojust is an accredited member of the International Conference of Data Protection and Privacy Commissioners. In 2011, the JSB was accredited as a member of the European Data Protection Commissioners' Conference⁴; at the same time, the JSB became a member of the Working Party on Police and Justice (hereinafter "WPPJ") concerning supervision in the area of freedom, security and justice. Both conferences provide an excellent forum to exchange views, experiences and ideas on present and future challenges for the supervisory authorities.

The JSB liaises frequently with the other existing joint supervisory authorities dealing with data protection in the area of law enforcement, attends the joint meetings organised with those parties and consults them when dealing with matters of common interest. Such mutual cooperation between the supervisory authorities ensures a unified and consistent approach when dealing with similar issues related to data protection in the field of the law enforcement and judicial cooperation.

As a member of the WPPJ, the JSB contributed to its work on the future of data protection, especially the future supervisory mechanism model. On behalf of the JSB, Mr Campos Lobo attended regular meetings of the Working Party on Police and Justice⁵. He also attended a meeting of the Joint Supervisory Authorities in Ljubljana from 31 January to 1 February 2011. At this meeting, he took the opportunity to highlight the need for tailor-made rules and for specific and effective supervision in the area of justice and home affairs. He confirmed that the JSB of Eurojust strongly supported the proposals made by the other participants to increase cooperation and communication between joint supervisory bodies and authorities.

1.4 Budget and costs

The JSB has its own budget, which is part of the Eurojust budget. According to Article 23(10) of the Eurojust Decision, the costs of the Secretariat of the JSB shall be borne by the Eurojust budget. The Secretariat of the JSB shall enjoy independence in the discharge of its function within the Eurojust secretariat.

Due to its small size and efficient approach to work, the JSB operates with a very limited budget. The actual amounts allocated for the JSB from 2008 to 2011 were as follows:

<i>Year</i>	<i>Amount (Euros)</i>
<i>2008</i>	<i>49,000</i>
<i>2009</i>	<i>46,000</i>
<i>2010</i>	<i>51,500</i>
<i>2011</i>	<i>52,600</i>

⁴ Conclusions of European Data Protection Commissioners' Conference, Brussels, 5 April 2011.

⁵ The meetings took place on 8 June, 30 September and 2 December 2011 in Brussels.

As seen from the table above, in 2011, the JSB was granted a budget of €52,400 to cover the costs of its meetings, participation in external meetings of data protection authorities and EU working groups, and any other additional expenses, including possible appeal cases. Some of this budget (€1,300) was used for the translation of the JSB's 2010 Activity Report into French, German, Spanish and Italian. Additionally, €12,600 was spent on the translation into French, German and Spanish of a useful reference booklet, entitled "Data Protection at Eurojust", drafted by the Eurojust Data Protection Officer⁶.

2. NEW DEVELOPMENTS

2.1 Implementation of the revised Eurojust Decision

Through 2011, the JSB followed closely the discussions and work done by Eurojust in relation to the implementation of Council Decision 2009/426/JHA on the strengthening of Eurojust, especially in relation to information exchange and personal data processing. The JSB regularly received information updates on the progress in the implementation of the revised Eurojust Decision and its implications for data processing at Eurojust, with special focus on the new Article 13 of the revised Eurojust Decision.

In the context of the continued development of Eurojust's core operation tool, the Case Management System (CMS), the JSB has shown great interest from the beginning in the work on implementation of new data protection requirements, focusing on the changes brought by the revised Eurojust Decision.

2.2 Data Protection after Lisbon

The entry into force of the Lisbon Treaty⁷ in December 2009 brought with it a number of substantial changes regarding data protection in Europe. The most significant improvement was the introduction of its Article 16⁸, which reads as follows:

*"1. Everyone has the right to the protection of personal data concerning him or her.
2. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall lay down the rules relating to the protection of individuals with regard to the processing of personal data by Union institutions, bodies, offices and agencies, and by the Member States when carrying out activities which fall within the scope of Union law, and the rules relating to the free movement of such data. Compliance with these rules shall be subject to the control of independent authorities. The rules adopted on the basis of this Article shall be without prejudice to the specific rules laid down in Article 39 of the Treaty on the European Union."*

⁶ This booklet can be requested free of charge by writing to dpo@eurojust.europa.eu.

⁷ Treaty of Lisbon amending the Treaty of the European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007 (2007/C 306/01), OJ C 306, 17.12.2007, p.1.

⁸ Article 16 of the Treaty on the Functioning of the European Union.

Article 16 of the Lisbon Treaty provides for a single legal basis for data protection, abolishing the previous pillar structure. Nevertheless, Declaration 21 attached to the Lisbon Treaty⁹ acknowledged that “specific rules on the protection of personal data and the free movement of such data in the fields of judicial cooperation in criminal matters and police cooperation based on Article 16 of the Treaty on the Functioning of the European Union may prove necessary because of the specific nature of these fields”. In the context of the review of the existing legal framework on data protection, the JSB also actively contributed to the Commission consultations and discussions, drawing attention to the robustness and suitability of the existing data protection rules at Eurojust and actively promoting the maintenance of the specialised supervision system currently in place at Eurojust.¹⁰

2.3 European Terrorist Finance Tracking System (TFTS)

The JSB followed closely the developments related to the proposal to establish an EU Terrorist Finance Tracking System, which is being discussed at the level of the European Union. The two main objectives of such a system would be: to contribute to limiting the amount of personal data transferred to the USA; and to contribute to efforts to cut off terrorists’ access to funding and materials and follow their transactions. When discussing any possible role that Eurojust could play in this context, the JSB repeatedly remarked on the importance of thoroughly considering the very serious data protection implications of such a scheme. The JSB expressed a strong wish to be informed and involved in these discussions, especially with regard to Eurojust’s possible role in this matter.

3. SUPERVISORY WORK

The JSB holds frequent and regular inspections, covering both case-related and non-case-related (administrative) processing operations of Eurojust and delivers extensive and detailed reports of such inspections, including findings and recommendations. Follow-up by the organisation is monitored in successive meetings. When necessary, additional inspections dedicated to single matters or issues are held.

3.1 Eurojust inspection 2010

Since its establishment in 2003, the JSB has been entrusted with the task of supervising Eurojust's activities when processing personal data. This task is even more important from the perspective of the types of information Eurojust processes and the possible negative consequences to those individuals concerned if this information is processed without proper and strict safeguards. The JSB plans at least one inspection every two years. When necessary, additional inspections dedicated to single matters or issues are held.

⁹ Declaration number 21: Declaration on the protection of personal data in the fields of judicial cooperation in criminal matters and police cooperation.

¹⁰ Letter of the Chair of the JSB to Ms Reding of 31 May 2010; letter of the Chair of the JSB to Ms Reding of 15 December 2010. *See for more information* the article by ALONSO BLAS, D., *Ensuring effective data protection in the field of police and judicial activities: some considerations to achieve security, justice and freedom* at ERA Forum (2010) 11: 233-250.

At its meeting on 19 November 2009, the JSB gave the inspection team a mandate to inspect:

1. the content of the CMS;
2. compliance with all procedures for processing data by Eurojust related to the cases processed by it;
3. the follow-up of the recommendations made in the previous inspection reports (2007);
4. access to the Schengen Information System (SIS); and
5. data processing by the administration.

In accordance with the mandate conferred upon it by the JSB, the inspection team visited Eurojust on 18 November 2009 to familiarise itself with Eurojust's systems and procedures and then, from 19-21 January 2010, conducted the inspection. The JSB's inspection concentrated on the following issues: the content of the CMS; the input of information into the CMS via the secure line; the data guard (data entry and output from CMS); logging into the CMS; access to the SIS; compliance with data protection rules; the follow-up of the recommendations of the previous inspection; and the processing of staff data by Eurojust's Human Resources Unit. As a result of the 2010 inspection, the final inspection report was presented to the JSB plenary meeting in 2011. The JSB concluded that Eurojust had further improved its compliance with the data protection rules in place. The introduction of a more user-friendly CMS contributed to this improvement. However, the JSB identified some areas for further improvement. The JSB formulated specific recommendations to Eurojust to improve and harmonise the processing of data.

The JSB decided to hold a further inspection of the Human Resources Unit at the beginning of 2012.

3.2 Cooperation with Data Protection Officer of Eurojust

The JSB benefits from close cooperation with the Data Protection Officer of Eurojust, appointed in November 2003, who plays a fundamental role regarding the internal control of data protection compliance within the organisation.

One of the significant components of the work of the DPO is to act as a link between Eurojust and the JSB to ensure that the JSB members are sufficiently informed about the activities of Eurojust regarding data protection matters and the implementation of rules. At every meeting, the JSB has the occasion to exchange views with the DPO, who informs the members of all ongoing matters and of the issues that might require their attention in the future. The strong collaboration between the DPO and the JSB provides mutual benefits in meeting their responsibilities to ensure the application of data protection requirements. In case of non-compliance, Article 17 of the Eurojust Decision establishes that the DPO may directly inform the College and the Administrative Director and, should a solution to the issue not be found internally, the JSB. The JSB can rectify a situation or impose general measures to improve data protection at Eurojust.

In accordance with Article 6(6) of the Act of the JSB, the JSB liaised regularly with the DPO, who, throughout the course of 2011, continuously informed the JSB about ongoing data protection issues and matters at Eurojust.

A new Technical Advisor to the Data Protection Service was appointed at the end of 2011, whose term of office is due to start in spring 2012, thus completing the DPO team at Eurojust, which is now composed of four members.

At the plenary meeting in June 2011, the DPO presented the findings of her 5th annual survey, carried out in compliance with the requirements of Article 27(1) of the Rules of Procedure on the Processing and Protection of Personal Data at Eurojust. The Annual Survey 2010 included interviews with selected National Desks: Denmark, Germany, Ireland, Italy and Portugal, and also the Human Resources Unit. The report of the Annual Survey 2010 was presented to the College of Eurojust on 21 June 2011.



JSB members with Ms Diana Alonso Blas (DPO)

4. OPINIONS OF THE JSB

4.1 Secure connection with OLAF

On the request of the DPO, the JSB discussed the data protection issues related to the logging mechanism of users' actions accessing the Customs Information System (hereinafter "CIS"). The logs are essential for the successful monitoring done by the DPO and the JSB in carrying out controls and audits in accordance with Article 23(1) of the Eurojust Decision and Article 27(2) of Eurojust Data Protection Rules¹¹. The information stored in the logs must be sufficient and adequate for proper monitoring of system access and to ensure that this access remains appropriate.

Article 28 of the Council Decision 2009/917/JHA of 30 November 2009 on the use of information technology for customs purposes¹² stipulates that all necessary administrative measures to maintain security shall be taken by Eurojust (as well as by the competent authorities of the Member States and Europol). In particular, Eurojust shall take measures to guarantee that it is possible to check and establish *a posteriori* what data have been entered in the CIS, when and by whom, and to monitor searches.

¹¹ Rules of Procedure on the Processing and Protection of Personal Data at Eurojust (2005/C 68/01) of 21 October 2004, OJ C 68, 19.3.2005, p.1, hereinafter referred to as the "Eurojust Data Protection Rules".

¹² Council Decision 2009/917/JHA of 30 November 2009 on the use of information technology for customs purposes, OJ L 323, 10.12.2009, p.20, hereinafter referred to as the "Council Decision on CIS".

Article 22(2) of Eurojust Decision requires Eurojust to implement measures designed to ensure that: verification and establishment of the bodies to which personal data are transmitted when data are communicated is possible; verification and establishment of which personal data have been input into automated data processing systems is possible and when and by whom the data were input.

Article 25 of the Eurojust Data Protection Rules stipulates that Eurojust shall put in place appropriate technical measures to ensure that a record is kept of all processing operations carried out upon personal data.

Eurojust is responsible for the information that it processes in its information systems. Article 14 of Eurojust Decision states that personal data processed by Eurojust shall be adequate, relevant and not excessive in relation to the purpose of the processing. Personal data processed by Eurojust shall be processed fairly and lawfully. More importantly, according to Article 24 of Eurojust Decision Eurojust shall be liable for any damage caused to an individual which results from unauthorised or incorrect processing of data carried out by it.

The practical implementation of Article 28 of the Council Decision on CIS was discussed with the JSB. According to Article 36(2) of the Council Decision on CIS, the Decision should apply to Eurojust from 27 May 2011. During the discussions, possible solutions and the way forward were agreed by the JSB.

4.2 Case Management System

The JSB followed thoroughly all the developments related to the implementation of the revised Eurojust Decision, especially those dealing with the implementation of Articles 12 and 13 of the Eurojust Decision. In the context of the continued development of Eurojust's core operation tool, the CMS, the JSB was regularly informed by Eurojust on the implementation of new data protection requirements focusing on the changes brought by the revised Eurojust Decision (the three-year storage limit of the log files; the improvement of interactive statistics and improved reporting on case links; logging mechanism). The JSB was interested in how the adjustments and new functionalities of the CMS would accommodate connection and facilitate the structured and enhanced information exchange with the Member States, increase the use of the system and implement the JSB recommendations provided in its inspection reports.

The JSB underlined the importance of the CMS remaining as one system and viewed with interest the possibilities to increase its analytical capacity, especially in light of Article 13 of the revised Eurojust Decision.

1. 5. COOPERATION AGREEMENTS BETWEEN EUROJUST AND THIRD STATES

The JSB monitors the permissibility of the transmission of data from Eurojust and provides its obligatory opinion concerning the provisions on data protection in agreements or working arrangements with EU bodies and cooperation agreements with third States.

Article 26(2) of Eurojust Decision explicitly recognises that in order to conclude agreements or working arrangements with the institutions, bodies and agencies set up by, or on the basis of, the Treaties establishing the European Communities or the Treaty on European Union, Eurojust is obliged to consult the JSB on the provisions of the draft agreement or working arrangements concerning data protection. The same obligation, laid down in Article 26a(2) of the Eurojust Decision, applies when a draft cooperation agreement is to be concluded with a third State or international organisation.

In accordance with Articles 26(2) and 26a(2) of the Eurojust Decision, Eurojust's External Relations Team regularly updated the JSB on relations with third States and the state of play of ongoing negotiations between Eurojust and third States/international organisations. The JSB considered thoroughly all the information provided by the DPO to the JSB when discussing the level of data protection of various third States and organisations with whom Eurojust wishes to have a cooperation agreement. In this way, the JSB was fully informed and involved in the matters related to the ongoing negotiations as well as in the follow-up to the implementation of existing agreements.

6. RIGHTS OF THE DATA SUBJECT

One of the most important elements of the robust data protection regime established by the Eurojust Decision is the enforceable right of the data subjects to access, correct, delete or block the personal data related to them. Article 19(1) of the Eurojust Decision guarantees that every individual is entitled to have access to personal data concerning him or her that are processed by Eurojust. Article 20(1) of the Eurojust Decision entitles every individual to ask Eurojust to correct, block or delete data concerning him or her if they are incorrect or incomplete or if their input or storage contravenes this Decision.

If an individual is not satisfied with Eurojust's response to his/her request, he/she may appeal that decision before the JSB. The JSB examines any appeals submitted to it in accordance with Articles 19(8) and 20(2) of the Eurojust Decision and carries out controls. The JSB is also competent to handle appeals concerning the processing of non-case-related data. If the JSB considers that a decision taken by Eurojust or the processing of data by it is not compatible with the Eurojust Decision, the matter is referred to Eurojust. Decisions of the JSB are final and binding on Eurojust.

6.1 Case-related appeals

A case-related appeal was submitted to the JSB on 18 March 2011, involving a request for access to personal data potentially processed by Eurojust. The JSB issued its decision on 7 April 2011¹³.

In this case, the JSB received an appeal from Mr T against the decision of Eurojust communicated to him by the Eurojust Data Protection Officer (DPO) on 22 February 2011.

The decision of Eurojust related to the request of Mr T of 11 January 2011 concerning access to any personal data on him processed by Eurojust, deletion of such data, undertaking not to further process any data on him and notification on the same subject to any relevant third party.

The decision of Eurojust, as communicated to the applicant by the DPO of Eurojust, was worded as follows: “In accordance with Article 19.7 of the Eurojust Decision, I hereby notify you that checks have been carried out, but I am unable to give any information which could reveal whether or not your client is known.”

In accordance with the procedure stated in Article 16(2) of Act of the JSB, the JSB informed the College of Eurojust of the appeal on 21 March 2011 and invited the College of Eurojust to submit any observations regarding the subject of appeal to the JSB. The College of Eurojust, after thorough consideration of the case, was of the opinion that the answer given to the applicant was correct and did not have any additional considerations at that stage of the proceedings.

At its meeting of 7 April 2011, the JSB discussed the case, taking note of all documents related to it. After deliberations, the JSB reached a unanimous decision, concluding that:

“In the light of the specific circumstances and complexity of the case as well as of the big interest at stake for the data subject, who has been *de facto* denied the possibility to exercise his rights, as guaranteed by Article 19 and 20 of the Eurojust Decision, by the provision of the standard answer by Eurojust, and, in the absence of any evidence that Eurojust could suffer any harm by providing the individual a clear and unambiguous answer, the JSB decides, in accordance with Article 23.7 of the Eurojust Decision to refer the matter to Eurojust for reconsideration. Eurojust is required, in line with Article 23.8 of the Eurojust Decision, to provide Mr T a clear and unambiguous answer as to the fact that no personal data on him are processed by Eurojust and to clarify that, therefore, there is no object for the exercise of any other of the rights invoked by the individual”.

¹³ The Decision is available: <http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/jsb/appealdecisions/Appeal%20Decision%202011-04-07/JSB-Appeal-Decision-CaseMrT-2011-04-07-EN.pdf>

6.2 *Non-case-related appeals*

A non-case-related appeal, relating to a request for access to the minutes of a selection procedure at Eurojust, was lodged with the JSB on 29 July 2011. After consultation with the College of Eurojust, which informed the JSB of its decision to reconsider the matter and provide the applicant with all requested information, the JSB welcomed this revised decision and requested the College by letter of 11 October 2011 to implement its own decision and to accordingly provide full information to the applicant. The College consequently provided the full text of the conclusions of the minutes of the Selection Board to the applicant on 13 October 2011.

7. TRANSPARENCY

7.1 *JSB webpage*

The new JSB webpage¹⁴ was officially launched at the plenary meeting on 21 June 2011. This page provides up-to-date information about the JSB, including highlights of each meeting, appeal decisions, news on the latest developments concerning data protection reform, and the Annual Activity Reports (the report of 2010 is currently available in German, French, Spanish and Italian). Additionally, two leaflets about data subjects' rights and the JSB's role, entitled "Know your Rights" and "The Role of the JSB", were made available in the 23 official EU languages and made available on the JSB's webpage.

To facilitate the exercise of the rights to data subjects, a list of authorities in each Member State, whom citizens can contact concerning their data subject rights, was created. This list was made public and available on the JSB's webpage.

All this work has been done to publicise the efforts of the JSB and to raise public awareness of data protection at Eurojust.

¹⁴ www.eurojust.europa.eu/jsb.htm



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Structure

Independent Joint Supervisory Body

The Joint Supervisory Body (JSB) is an independent external supervisor in the field of data protection, established by Article 23 of the Eurojust Decision.



This body, composed of judges or members with an equal level of independence, has a very important task ensuring that the processing of personal data is carried out in accordance with this Decision.

Given the very sensitive nature of the information processed by Eurojust (data on persons who are subject to an investigation or prosecution, victims, witnesses and convicted people), it is crucial to ensure that the rights of data subjects are properly protected.

An information leaflet on *The Role of the Joint Supervisory Body* is available in all official EU languages in the publications section of this site, accessible via the left navigation menu. To view the English language version directly, please click [here](#).



8. SELF-ASSESSMENT

Through self-assessment via the evaluation and analysis of its own activities, the JSB is able to spot any possible problems, and foresee ways of resolving them, thus increasing performance, efficiency, and quality of work, working methods and results achieved.

Since its inception in 2003, the JSB has been not only an external supervisor, but also an advisor to Eurojust in matters related to data protection. The JSB's knowledge of data protection matters in the context of judicial activities provided added value. Through regular contacts with Eurojust's administrative staff, the JSB had gained complete insight and understanding into the way Eurojust operates. Such in-depth analysis of the issues contributed to the delivery of constructive results. The JSB has always been keen to increase public awareness about its activities and its achievements. According to Article 23(12) of Eurojust Decision, the JSB submits an annual report to the Council. The highlights of the meetings are placed on JSB's webpage. This helps to promote the profile of the JSB and also serves to increase its accountability to the broader public.

The frequent and regular JSB inspections, covering both the case-related and non-case-related (administrative) processing operations of Eurojust, have strongly contributed to a continuous growth of experience and knowledge necessary for the supervisory work, especially in the field of judicial cooperation.

In the overall context of a fundamental reform of the EU's data protection framework, the new data protection challenges call for more effort, commitment, input and participation from the JSB. Therefore, the JSB will not rest on its achieved results, but will actively continue its work and maintain the same quality of work as has been achieved so far.

9. FUTURE OUTLOOK

1.1.

Today, in a world of rapid technological changes and globalisation, we face ever more growing demand for the use of personal data in the area of police and judicial cooperation, especially the demand for cross-border exchange of information, making it inevitable in order to build Europe as a safe place for our citizens. However, one should never forget that the measures to combat crime must be accompanied and carefully balanced by the protection of individual rights and freedoms. Data protection is a fundamental right; therefore, the right balance between the needs of operational work and the requirements of data protection must be maintained.

The year 2012 promises to be challenging and interesting in terms of data protection, as the European Commission will make a proposal for fundamental reform of the EU's data protection framework, including a proposal for a Directive on the protection of personal data in police and criminal justice matters. The Eurojust JSB is looking forward to the challenges awaiting it in 2012, especially in terms of the future supervision model to be defined by the new data protection *acquis*; however, the priorities for the JSB will stay the same – to protect the rights of individuals. The Eurojust JSB will continue its follow-up work on the last inspection at Eurojust in 2010, monitoring closely the implementation of the recommendations given in its inspection report.

The JSB will meet on the following dates in 2012: 10 February, 19 April, 14 and 15 June, and 15 November.



JSB appointees at plenary meeting on 15 June 2012

ANNEX I APPOINTEES TO THE JOINT SUPERVISORY BODY 2011

Member State	Appointee	Date of appointment
Belgium	Ms Nicole LEPOIVRE	09/01/2007
Bulgaria	Ms Pavlina PANOVA	04/07/2007
Czech Republic	Mr Josef RAKOVSKÝ	14/04/2004
Denmark	Mr Jakob LUNDSAGER	05/04/2009
Germany	Mr Bertram SCHMITT	23/06/2009
Estonia	Mr Pavel GONTŠAROV	25/10/2004
Ireland	Mr Billy HAWKES	06/06/2005
Greece	Ms Anastasia PERISTERAKI	04/02/2010
Spain	Mr Artemi RALLO LOMBARTE	27/02/2007
France	Mr Frédéric BAAB	11/06/2009
Italy	Mr Luigi FRUNZIO	14/06/2010
Cyprus	Ms Goulla FRANGO	23/07/2008
Latvia	Ms Zane PĒTERSONE	27/09/2004
Lithuania	Mr Egidijus BIELIŪNAS	08/12/2004
Luxembourg	Ms Lotty PRUSSEN	06/05/2002
Hungary	Mr Tibor KATONA	23/06/2008
Malta	Mr Joseph EBEJER	30/03/2009
Netherlands	Ms Jannette BEUVING	01/01/2007
Austria	Mr Gerhard KURAS	06/02/2010
Poland	Mr Dariusz ŁUBOWSKI	26/05/2004

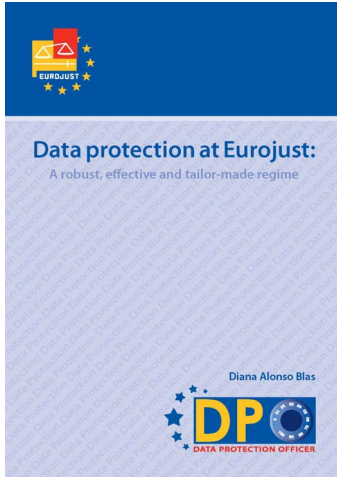
Portugal	Mr Carlos CAMPOS LOBO	01/04/2006
Romania	Ms Laura-Marina ANDREI	01/10/2007
Slovenia	Mr Rajko PIRNAT	23/03/2005
Slovak Republic	Ms Renáta JANÁKOVÁ	31/07/2008
Finland	Ms Anne HEIMOLA	01/01/2008
Sweden	Mr Hans FRENNERED	01/07/2002
United Kingdom	Mr Christopher GRAHAM	12/08/2009

Appointees who terminated office during 2011

Member State	Member	Date of office
Cyprus	Ms Goulla FRANGO	23/07/2008-November 2011

ANNEX II PUBLICATIONS

The following publications can be requested from the JSB Secretariat, Po Box 16183, 2500 BD The Hague, Netherlands, e-mail: jsb@eurojust.europa.eu



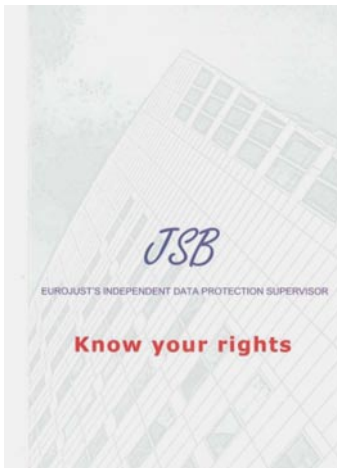
2.

Booklet “Data Protection at Eurojust”, available in English, French, German and Spanish

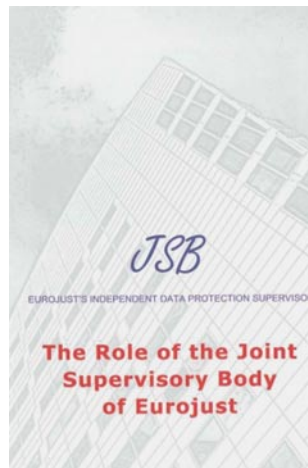
3.

Leaflet 1: “Know your rights”, printed version available in English, French, German and Spanish

Leaflet 2: “The Role of the Joint Supervisory Body of Eurojust”, printed version available in English, French, German and Spanish



Leaflet 1



Leaflet 2