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EU Leaked Document: Insufficient statistics undermine EU's claim that retention of personal data is effective in fighting crime

Madrid, Monday 18 April 2011: There are serious risks associated with the massive invasion of personal privacy required by the [EU's 2006 Data Retention Directive](#) whilst there is no strong evidence that it is an effective instrument against crime according to the [leaked version of an EU report](#) to be launched officially today, Monday 18 April 2011.

The Data Retention Directive requires storage of all personal telecommunications data for up to 2 years in order to fight serious crime. It has been hard for civil society organisations to obtain information which gives a full picture of the implementation of the Directive around Europe. Access Info Europe has been working with [Statewatch](#) and other organisations to file requests in order to ascertain how the Directive is being used at the national level and how often personal data has been accessed.

The leaked version of the Commission's report claims that its "*evaluation has demonstrated that data retention is a valuable tool for criminal justice systems and for law enforcement in the EU*" but fails to provide sufficient proof to substantiate that. Indeed, the report concedes that "*most EU member states do not keep statistics on what type of evidence proved crucial in securing convictions or acquittals*" and so relies more on anecdotal and "illustrative" examples.

The Commission's report serves to highlight the lack of statistical information with half of members states (13) providing either no data (seven Member States) or minimal information about the type of data that has been accessed by law enforcement authorities.

"It is impossible for the European Commission or the general public to have a proper debate about the impact and proportionality of the Data Retention Directive without much more detailed statistical information and proper impact assessments," said Helen Darbishire, Executive Director of Access Info Europe.

Access Info Europe noted that the EU Data Protection Supervisor, dozens of civil liberties groups around Europe and the Commission's own report highlight the serious threats to personal data protection posed by the Directive, which according to the Commission has been poorly implemented in a number of Member States.

"The onus is on the EU to demonstrate that the massive invasion of the personal privacy of 500 million EU citizens is proportionate and necessary," concluded Darbishire.

Analysis of the leaked report by the civil society network [European Digital Rights](#) (EDRi) concludes that "*The statistics provided by Member States indicate that the vast majority of data used by law enforcement authorities would also have been available without*

obligatory data retention. The absence of data retention legislation in countries such as Germany and the Czech Republic (where national Constitutional Courts rejected transposition laws of the Data Retention Directive as an unjustified restriction on fundamental rights) has not led to an increase in crime or a decrease in the ability to fight crime."

Romania has also ruled the Directive unconstitutional and a legal challenge in Ireland is likely to go to the European Court of Justice.

In response to this report, Access Info Europe is calling for the public to be provided with more information and for there to be a thorough public debate about the necessity of the Directive.

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