
MINUTES

Meeting of the Network of Data Protection Officers of national law enforcement
authorities, JHA Agencies and EPPO
Brussels, Thursday 29 June 2023

The fifth meeting of the network for Data Protection Officers of law enforcement authorities, Justice and Home Affairs Agencies and the European Public Prosecutor's Office (hereinafter the “DPO Network”) took place on Thursday 29 June 2023 in Albert Borschette Congress Centre. The meeting was held in-person.

The Commission representatives welcomed the participants, requested from them their consent to share within the network their electronic addresses to foster exchanges, the members agreed, and the agenda was subsequently adopted.

The Commission representatives presented the EU legislation on the e-evidence package, focusing on the two new measures, i.e., the European Production Order and European Preservation Order. They subsequently gave an overview of the state-of-play of key CJEU cases regarding the interpretation of the provisions of the Data Protection Law Enforcement Directive (EU) 2016/680 (‘LED’), including both the latest decisions issued and the new cases submitted to the Court in the last 6 months. Finally, the Commission representatives presented the latest updates on the proposal for the AI Act. More specifically, the presentation covered the scope of the AI Act, its risk-based approach used for the classification of AI systems, the respective obligations of operators of highrisk AI systems, the governance and enforcement of the AI Act, and its interplay with data protection legislation, in particular with respect to remote biometric identification for law enforcement purposes. The Commission representatives also gave an overview of the negotiating positions of the Council and the European Parliament on those points.

During the session held exclusively among DPOs, without the presence of the Commission representatives, DPOs discussed topics such as the role of DPOs in the law enforcement sector (especially where significant datasets are being collected in criminal investigations and in case of data breach), potential tools to help DPOs in their daily work, the difference between the GDPR and LED on DPOs, the use of cloud in the law enforcement sector, databases with more than one controller and facial recognition in the context of the AI Act.

In conclusion, the Commission representatives, after discussing with the DPOs, indicated that the next DPO network meeting would tentatively be held at the end of January 2024. DPOs will come back to the Commission with a list of topics of interest by the end of September 2023.

List of participants

1. DPO's from national law enforcement authorities of:

Austria

Belgium

Cyprus

Croatia

Estonia

Greece

Iceland

Ireland

Latvia

Lithuania

Luxemburg

Hungary

Malta

Netherlands

Norway

Poland

Romania

Slovenia

Spain

Sweden

Switzerland

2. DPOs from the following Justice and Home Affairs Agencies:

EUROPOL

3. DPO from the European Public Prosecutor's Office (EPPO)