



Recommendation 1181 (1992)¹

Police co-operation and protection of personal data in the police sector

Parliamentary Assembly

1. As a result of the Schengen Agreement, the European states co-operating in that agreement will proceed with the exchange of automatically processed personal data in the police sector. It is most likely that such an exchange will cover the whole of the European Community after the disappearance of frontier controls at its internal borders.
2. Nowadays there is already an intensive exchange of data in the police sector among Council of Europe member states on a bilateral or multilateral basis and through Interpol.
3. It is of vital importance for an efficient combat against international crime that it is fought at national and at European level.
4. An efficient fight against crime implies an exchange of data in the police sector.
5. In this respect it is useful to recall the Assembly's [Recommendation 1044 \(1986\)](#) on international crime and its plea for a European information and intelligence centre (Europol), and Recommendation No. R (87) 15 of the Committee of Ministers to member states of the Council of Europe regulating the use of personal data in the police sector.
6. It is necessary, however, that there be adequate protection of personal data in the police sector and one may note with satisfaction that the Council of Europe concluded, in 1981, a Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data. However, in order to be fully effective, it is not sufficient that this convention has, to date, only been ratified by eleven member states.
7. The Assembly therefore recommends that the Committee of Ministers :
 - 7.1. draw up a convention enshrining the principles laid down in its Recommendation No. R (87) 15 ;
 - 7.2. promote the application of these principles in the exchange of data in the police sector between member states and between member states and third countries via Interpol. In this respect the implementation of the following principles is of the utmost importance :
 - a. data should be accurate, relevant, not exceed the purpose for which they are stored and, where necessary, kept up to date ;
 - b. they should be screened before they are stored ;
 - c. an individual should have the right to know whether personal data concerning him are kept ;
 - d. he should have an appropriate right of access to such data ;
 - e. he should have the right to challenge such data and, if necessary, have them rectified or erased ;

1. See [Doc. 6557](#), report of the Committee on Legal Affairs and Human Rights, Rapporteur : Mr Stoffelen. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 11 March 1992.



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- f.* individuals who are denied access to files relating to them should have a right to appeal to an independent authority which has full access to all relevant files and which can and should weigh the conflicting interests involved ;
 - g.* there should be an independent authority outside the police sector responsible for ensuring respect of the principles laid down in such a convention ;
- 7.3. appeal to member states to ensure that data in the police sector may only be exchanged with other member states and with Interpol on the lines provided for in the proposed draft convention.