

CALL FOR EVIDENCE FOR AN INITIATIVE (without an impact assessment)

This document aims to inform the public and stakeholders about the Commission's work, so they can provide feedback and participate effectively in consultation activities.

We ask these groups to provide views on the Commission's understanding of the problem and possible solutions, and to give us any relevant information they may have.

TITLE OF THE INITIATIVE	Data protection in law enforcement – report on the Law Enforcement Directive
LEAD DG – RESPONSIBLE UNIT	DG JUST C.3
LIKELY TYPE OF INITIATIVE	Communication
INDICATIVE TIMING	Q2/2022
ADDITIONAL INFORMATION	-

This document is for information purposes only. It does not prejudice the final decision of the Commission on whether this initiative will be pursued or on its final content. All elements of the initiative described by this document, including its timing, are subject to change.

A. Political context, problem definition and subsidiarity check

Political context

[The Data Protection Law Enforcement Directive](#) (LED) entered into force on 6 May 2016 and Member States had to transpose it by 6 May 2018. It applies to the domestic and cross-border processing of personal data by competent authorities for the purposes of preventing, investigating, detecting or prosecuting criminal offences and executing criminal penalties, including safeguarding against and preventing threats to public security. The LED is the first instrument to take a comprehensive approach to data protection in the field of law enforcement, including by regulating 'domestic' processing. It is therefore a significant development compared with the earlier Framework Decision (which covered only transmission between Member States) that it repealed and replaced.

Together with the [General Data Protection Regulation \(EU\) 2016/679](#) (GDPR) and the [Regulation \(EU\) 2018/1725](#) (EUDPR), it forms part of the [data protection reform package](#).

Problem the initiative aims to tackle

The report will assess the application and functioning of the LED and will identify possible issues.

Basis for EU action (legal basis and subsidiarity check)

Article 62 of the LED obliges the Commission to present to the European Parliament and to the Council a first report on the evaluation and review of the Directive by 6 May 2022. Following the review, and if necessary, the Commission will submit appropriate proposals for amendments, in particular taking account of developments in information technology and in light of the state of progress in the information society.

Legal basis

Article 62 of the LED.

Practical need for EU action

Issuing the report is a legal obligation on the Commission.

B. What does the initiative aim to achieve and how

The report will assess the application and functioning of the LED in Member States. The report will examine whether legislative proposals are necessary to address any issue identified.

Likely impacts
The report will provide evidence on the application and functioning of the LED and assess whether it is fit for purpose.
Future monitoring
In accordance with Article 62 LED, the Commission will report on the application of the Directive every 4 years going forward.
C. Better regulation
Impact assessment
There is no impact assessment required, as issuing this report is a legal obligation on the Commission. Should the report conclude that amendments to the LED are needed, the proposals putting forth those amendments will be accompanied by an impact assessment.
Consultation strategy
<p>The Commission will collect the feedback of key stakeholders via targeted consultation activities. A dedicated questionnaire has been sent to civil society organisations (through the European Union Agency for Fundamental Rights), and also to the data protection supervisory authorities and the European Data Protection Board.</p> <p>The Commission will get the views of Member States through the adoption of Council findings and positions, prepared in the Council Working Party on Data Protection.</p> <p>No open public consultation is planned.</p>