

Council Gives Input for Review of Data Protection Directive

Thomas Wahl

News

At the end of November, the Council [adopted its position](#) on the evaluation and review of [Directive 2016/680](#) on data protection in the law enforcement area (commonly known as "LED"). The Council's document shares observations from the EU Member States in the application of the LED. It provides input for the European Commission which is due to submit an evaluation report in 2026.

The Council finds that the introduction of the Directive has had and continues to have a significant impact on awareness, accountability and compliance, and has further increased the security of data processing among competent authorities. The Council sees, however, several issues that need to be further implemented in the future, including:

- Take proactive steps for more adequacy decisions (so far only one with the UK exists) in order to facilitate data transfers with non-EU countries;
- Clarify legal questions that have arisen and will arise with regard to the interplay between the AI Act and the LED;
- Obtain more clarity on specific issues that came to light as a result of national implementation.

The Council voices its general satisfaction with the application of the data subjects' rights enshrined in the LED, in particular with the most commonly exercised rights of access and erasure. However, difficulties emerge in practice if these data subjects' rights overlap or intersect with other rules and procedures regarding access to documents or confidentiality, or with general rules or principles of criminal procedure under national law. The Council encourages the EDPB to work on guidance in this respect taking into account the needs of competent authorities. In addition, further guidance is needed with regard to the alleviation of administrative burdens, e.g. burdens associated with access requests.

AUTHOR

Thomas Wahl

Senior Researcher
Max Planck Institute for the
Study of Crime, Security and
Law

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