

EDPS: Robust Data Protection Safeguards Needed in Asset Recovery Proposal

News

Anna Pingen

Following up on the European Commission's proposal for a Directive on asset recovery and confiscation from 25 May 2022 (→ [eucrim 2/2022, 76](#)), the European Data Protection Supervisor (EDPS) published his [opinion](#) on the proposal on 19 July 2022. According to the EDPS, processing personal data in the context of asset recovery and confiscation can cause interference with individuals' rights as guaranteed by the EU Charter of Fundamental Rights, including the right to data protection. He therefore welcomed the fact that the proposal explicitly underlined the particular importance of the protection of personal data. However, the EDPS also stressed that he doubts whether certain special categories of personal data (including DNA, behavioural data, fingerprints, dental records) - listed under Annex II.B.(2)(c) (v) of Regulation (EU) 2016/794 - would be relevant in the context of asset recovery and confiscation and whether this data should be available for cross-border exchanges between EU Member States' asset recovery offices.

The EDPS made clear that the proposed Directive will need to be transposed into national law by the Member States and that they should designate the competent authorities responsible for the management of the registry of frozen and confiscated property. The EDPS also clarified that any exchanges of personal data during cooperation between the EU Member States' asset recovery offices and Europol, Eurojust, and the European Public Prosecutor's Office (EPPO) must be carried out in full respect of the relevant rules on the processing of personal data as laid down in the legal acts establishing the aforementioned EU agencies.

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