

High Level Group on Data Access Criticised

Thomas Wahl



News

An [open letter of 10 January 2024](#), signed by 21 digital rights and civil society organisations, criticised the current working arrangements of the [High Level Group on Access to Data for Effective Law Enforcement \(HLEG\)](#). It calls on the HLEG to ensure transparency, participation, inclusion and accountability, notably through the involvement of civil society in ongoing discussions held by the Group.

The HLEG was established in 2023. [It is tasked](#) to explore the problems that law enforcement practitioners face in their daily work, and to define potential solutions to overcome them. The aim is to ensure the availability of effective law enforcement tools to fight crime and enhance security in the digital age. Specific focus will be on the need for law enforcement practitioners to have adequate access to data.

The open letter calls to mind that one of the HLEG's objectives is to "establish a collaborative and inclusive platform for stakeholders from all relevant sectors" in order to find commonly accepted solutions. However, NGOs and data protection organisations have widely been excluded from the meetings so far with having had only the possibility to submit written comments.

In view of the HLEG's approach on the access to data on users' devices, the letter further states:

"[W]e are deeply concerned that the very premise of the HLG objectives is to push for a 'security by design' approach in all EU existing and future policies and legislation. We understand this framing as an attempt to impose a law enforcement 'access by design' obligation in the development of all privacy-enhancing technologies, which would result in a serious impediment to people's exercise of their fundamental rights to privacy and data protection and to freedom of expression, information and association."

Ultimately, the organisations call for a diligent approach to making all possible documents public (in particular, the minutes of the meetings) and proactively engaging with civil society.

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