

Know your rights

The Council decision establishing Europol has been replaced by the [Europol Regulation](#) as of 1st of May 2017. The Europol Regulation newly sets up Europol and its supervisory structure and particularly contains provisions relating to individuals' rights and the protection of the personal data that Europol processes.

Who is part of the supervisory structure?

The European Data Protection Supervisor (EDPS) is responsible for monitoring and ensuring the lawful application of the Regulation's provisions with regard to the processing of personal data by Europol. Regarding the rights of the data subjects – hence your rights – the EDPS may advise you on all matters concerning the processing of your personal data.

The lawfulness of the personal data provided by the Member States to Europol and the permissibility of the transfer, the retrieval and any communication to Europol are monitored by the national data protection supervisory authorities (DPAs).

The Europol Cooperation Board (ECB), acts as an independent advisory body, delivers opinions, guidelines, recommendations and best practices on various issues relating to the processing of personal data. It consists of the EDPS and the DPAs, one for each Member State. The ECB has published this leaflet to give you information about Europol, its activities and to raise awareness of your data protection rights.

What is Europol?

Europol is the European Union's law enforcement agency. Its aim is to support and to strengthen the mutual cooperation between the competent authorities of the member states in preventing and combating serious crime affecting two or more Member States, terrorism and forms of crime which affect a common interest covered by a Union policy, such as:

- terrorism
- drug trafficking
- illegal immigration networks
- forgery of money (the Euro) and other means of payment
- trafficking in human beings, including child pornography
- illegal vehicle trafficking
- money-laundering activities
- illicit trade in human organs and tissue
- corruption

In these areas of crimes the national police authorities and law enforcement services which are responsible under national law for preventing and combating criminal offences in all Member States provide relevant personal data on individuals to Europol to enable them to fulfil its duties. In this respect, the agency functions as a hub for information on criminal activities and as the centre for law enforcement expertise and therefore collects, stores, processes, analyses and exchanges the personal data on individuals provided by the police authorities and other law enforcement services.

Europol has no executive powers and its officials cannot arrest suspects or act without the approval of national authorities. However, the support Europol provides consists of tools that can contribute to measures carried out by the relevant national authorities. These tools are:

- a fast exchange of information between Europol and the national law enforcement authorities;
- sophisticated operational and strategic intelligence analysis
- participation in joint investigation teams
- requests to the national authorities in order to initiate criminal investigations within the scope of Europol's competence
- provision of co-ordination, expertise, training and technical support for investigations and operations carried out within the EU
- provision of strategic reports (e.g. threat assessments) and crime analysis on the basis of information and intelligence supplied by Member States or gathered from other sources.

What are your rights?

Right of access

You have the right to access any personal data that Europol may hold on you. You can file your request in the Member State of your choice at the authority appointed for that purpose. This authority will refer the request to Europol without delay, no later than one month. A list of the competent authorities that you may contact can be found here: <https://www.europol.europa.eu/right-of-access>.

Europol has to conclude the handling of your request within three months after receiving it.

Normally Europol will provide you the following information:

- confirmation as to whether or not data related to you are being processed
- information at least of the purposes your data are processed for, the categories of data that are being processed and the categories of recipients your data were disclosed to
- information on the data that are being processed and any available information as to their sources

- an indication of the legal basis for processing the data
- the envisaged period for which your personal data will be stored
- the existence of the right to request from Europol rectification, erasure or restriction of processing your personal data (see below)

However, Europol may restrict the access or refuse to provide access to your information if it is necessary to:

- enable Europol to fulfil its duties
- protect security and public order or to prevent crime
- guarantee that any national investigation will not be jeopardised; or
- protect the rights and freedoms of third parties.

Europol will inform you about the decision on your access request and about the reasons for this decision. However, if any information would deprive one of the reasons to refuse or to restrict the access of its effect, you will receive only the information that Europol has carried out the checks.

For further information on how to exercise your right of access, see also Europol's website: <https://www.europol.europa.eu/right-of-access>

If you are not satisfied with Europol's reply, or if you do not receive a reply within three months, you may seek a judicial remedy before the Court of Justice of the European Union and/or lodge a complaint with the EDPS (see below).

Right to rectification, erasure and restriction

If you have accessed personal data concerning you, you have the right to ask Europol to rectify your personal data if they are incorrect or incomplete or to update them.

Furthermore you have the right to request Europol to erase your personal data if they are no longer required for the purposes for which they were collected or are further processed.

In case there are reasonable grounds to believe that erasure could affect your legitimate interests, Europol shall restrict the processing rather than erase personal data. Your personal data shall then be processed only for the purpose that prevented their erasure.

Usually your personal data were provided by Member States, so that the erasure, rectification or restriction of your data will be accomplished by the Member States in collaboration with Europol. In case your data was provided by countries outside of the European Union, by private parties, international organisations or Union



Bodies, Europol will, where appropriate, inform the providers of the data about its actions.

If you are not satisfied with Europol's reply, or if you do not receive a reply within three months, you may lodge a complaint with the EDPS or/and seek a judicial remedy before the Court of Justice of the European Union (see below).

Remedies

There are several possibilities to seek remedies against infringements of Europol.

Action before the Court of Justice of the European Union

In cases where Europol infringes your rights according to the Europol Regulation, you are entitled to bring a claim directly before the Court of Justice of the European Union. Please note that you should act within two months from the day onwards on which the infringement came to your knowledge.

Lodge a complaint with the EDPS

As mentioned above you can lodge a complaint about Europol with the EDPS if you are not satisfied with the decisions regarding your request to access, rectification or erasure.

Moreover the EDPS hears and investigates complaints from individuals who consider that their personal data have been mishandled by Europol otherwise. If a complaint is admissible, the EDPS carries out an inquiry. In cases relating to data originating from one or more Member States, the EDPS will consult the national supervisory authority of the Member State concerned. The EDPS then adopts a decision which will be communicated to you. You will have the possibility to lodge an action against the EDPS' decision before the Court of Justice of the European Union.

Depending on the circumstances of the processing by Europol the consultation of the competent national supervisory authorities and/or of the ECB can be necessary. This could take some time but in principle not longer than three months.

In your complaint to the EDPS you should:

- describe your complaint, by stating who you are, what you are complaining about and on which grounds;
- include any supporting documents, such as a copy of your request for access and any letters you may have received from Europol; and
- provide some proof of identity, such as a photocopy of your passport.

For more information and how to lodge a complaint with the EDPS, see the EDPS website including a complaint form https://edps.europa.eu/data-protection/our-role-supervisor/complaints_en.



The EDPS will send you an acknowledgment of receipt with a reference number. You may withdraw your complaint at any time.

Remedy against the decision of the EDPS before the Court of Justice of the European Union

Actions against the decisions of the EDPS can also be brought before the Court of Justice of the European Union.

Please note that any complaint and any reply from the EDPS will not have the purpose or the effect of suspending the time-limit for launching an action for annulment before the Court of Justice of the European Union against Europol's decision.

Other rights

Request to your national DPA

According to your national data protection law you have the right to ask your national DPA to check whether the competent authority in your Member State has lawfully communicated personal data about you to Europol. You can address the competent authority or ask the DPA to check if the competent authority has lawfully consulted Europol about your personal data.

Liability

If you have suffered damage as a result of an unlawful data processing operation, you have the right to receive compensation for damage suffered, either from Europol or from the Member State in which the event that gave rise to the damage occurred. In this case, you have the right to bring an action against Europol before the Court of Justice of the European Union, or against the Member State before a competent national court of that Member State.

How do you make a request for access?

You file a written request to the competent authority in any of the Member States. Your national competent authority is:

Ministry of Interior
29, Shesti Septemvri Str.
1000 SOFIA
Tel: +359 2 9825 000
E-mail: int.14@mvr.bg
Website: <https://www.mvr.bg>

<https://www.europol.europa.eu/right-of-access>

You can write your request in any official EU language. The national authority will then send your request to Europol within one month.



Europol

PO Box 908 50

2509 LW The Hague

The Netherlands

Website: www.europol.europa.eu

<https://www.europol.europa.eu/right-of-access>

<https://www.europol.europa.eu/about-europol/data-protection-transparency>

European Data Protection Supervisor

Rue Wiertz 60, B-1047 Brussels

E-mail: edps@edps.europa.eu

Website: www.edps.europa.eu

Secretariat of the Europol Cooperation Board

Rue Wiertz 60, B-1047 Brussels

E-mail: Europol-cooperation-board@edps.europa.eu

Website: <https://www.europol.europa.eu/right-of-access>