



Investigations, open data and the challenges of data protection, respecting procedural rights and ensuring Confidentiality

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Data Protection and Investigations I

- Data protection ‘Code of the Road’ for processing information about people
- Data protection *is* about...
 - protecting people
 - Having good reasons for doing what you do
 - being transparent about what you do
 - being accountable for what you do

Data Protection and Investigations II

Article 8 Charter of Fundamental Rights of the EU

Protection of personal data

1. **Everyone** has the right to the protection of personal data concerning him or her.
2. Such data must be processed **fairly** for **specified purposes** and on the basis of the consent of the person concerned or some other **legitimate basis laid down by law**. Everyone has the right of **access** to data which has been collected concerning him or her, and the right to have it **rectified**.
3. Compliance with these rules shall be **subject to control by an independent authority**.



Data Protection and Investigations III

- Disclaimer: this is about rules for EU institutions, national legislation may differ slightly
- *Lawful basis?* Your investigation powers
- *Informing suspects?* Deferral may be possible
- *Access to own personal data?* Possibility to defer/restrict for protection of investigation or third persons
- *Rectification?* Possibility to provide observations

Data Protection and Investigations IV

- *Data quality?* “adequate, relevant and not excessive; correct and up-to-date” - make sure it's correct, take only what you need
- *Conservation period?* As long as necessary, as short as possible
- *Accountability?* Document what you're doing and why you're doing it

Thank you for your attention!

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