



PRESS RELEASE

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EDPS reprimands Frontex for non-compliance with Regulation (EU) 2019/1896

The EDPS reprimands Frontex, the European Border and Coast Guard Agency, for not complying with Regulation (EU) 2019/1896 (Frontex Regulation), when transmitting personal data of suspects of cross-border crimes to Europol, the EU's agency for law enforcement cooperation.

In October 2022, the EDPS carried out an audit on Frontex's activities when assisting Member States at the EU external borders in joint operations. In particular, the EDPS focused on debriefing interviews by Frontex of individuals intercepted while crossing external borders and the Agency's further use of the information collected in this context.

During his audit, the EDPS found that during these debriefing interviews, Frontex was collecting information on suspects of cross-border crime based on interviewees' testimony. Frontex was then sharing this information systematically and proactively with Europol without performing any kind of assessment of the necessity of such sharing, contrary to what is required by Frontex Regulation. Considering the high risks that this implies for individuals reported as suspects, should that information prove unreliable or inaccurate, the EDPS decided to open an investigation.

Wojciech Wiewiórowski, EDPS, said: *"It is Frontex responsibility to comply with the specific safeguards imposed by the law to prevent that individuals, who may not be of interest for Europol, would nevertheless end up in their systems. The processing of data in an EU law enforcement database can have profound consequences on those involved. Individuals run the risk of wrongfully being linked to a criminal activity across the EU, with all of the potential damage for their personal and family life, freedom of movement and occupation that this entails"*

The EDPS found that Frontex has infringed Regulation (EU) 2019/1896 (Frontex Regulation) as Frontex was not assessing whether the sharing of information with Europol about individuals reported as suspects of cross-border crime was strictly necessary for Europol to perform its mandate as required by Article 90 (2) (a) of that Regulation.

While this constitutes a severe breach of Frontex Regulation, the EDPS has nevertheless decided to limit the exercise of his powers to the issuance of a reprimand taking into account that five days after the adoption of the EDPS audit report in May 2023, Frontex interrupted its sharing of information with Europol. Since then, only once, Frontex has shared with Europol personal data on suspects of cross border crime, after an individual, precise and specific assessment that this information was strictly necessary for Europol to perform its mandate. Frontex has also engaged in discussions with Europol to define criteria to assess whether the information collected is strictly necessary for Europol to perform its mandate and detailed rules for the sharing of such information, before the exchanges resume.

Background information

The rules for data protection in the EU institutions, as well as the duties of the European Data Protection Supervisor (EDPS), are set out in [Regulation \(EU\) 2018/1725](#).

About the EDPS: The EDPS is the independent supervisory authority with responsibility for monitoring the processing of personal data by the [EU institutions and bodies](#), advising on policies and legislation that affect privacy and cooperating with similar authorities to ensure consistent data protection. Our mission is also to raise awareness on risks and protect people's rights and freedoms when their personal data is processed.

Wojciech Wiewiórowski (EDPS) was appointed by a joint decision of the European Parliament and the Council to serve a five-year term, beginning on 6 December 2019.

About the EDPS' investigation into Frontex transmission of debriefing reports to Europol: This investigation was opened in June 2023 following the Frontex [audit report](#). Its aim was to verify the Frontex compliance with the data minimisation principle as enshrined in Article 71(1)(c) of Regulation 2018/1725 and Article 90(2)(a) of Frontex Regulation.

About [EDPS Investigations](#): For more information on the EDPS' investigation process, please find the [EDPS Investigation Policy](#), [EDPS Investigation Factsheet](#), on the EDPS Website.

The European Data Protection Supervisor (EDPS) is the independent supervisory authority for the protection of personal data and privacy and promoting good practice in the EU institutions and bodies.

He does so by:

- monitoring the EU administration's processing of personal data;
- monitoring and advising technological developments on policies and legislation that affect privacy and personal data protection;
- carrying out investigations in the form of data protection audits/inspections;
- cooperating with other supervisory authorities to ensure consistency in the protection of personal

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