The Umbrella Agreement on Personal Data Transfers for Law Enforcement: A Transatlantic Trojan Horse?

Judicial redress for privacy and data protection violations relating to transatlantic data transfers for law enforcement purposes

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Abstract

Terrorism has been a major concern for nations across the world. Since 9/11, the international cooperation in the fight against terrorism has only intensified. The large-scale use of surveillance technologies has had a significant impact on the enjoyment of the right to privacy. The newest addition to counter-terrorism initiatives is the Umbrella agreement between the United States and the European Union on the exchange of personal data for law enforcement purposes. This agreement will be the framework to facilitate transatlantic data transfers and to ensure respect for common data protection standards, including judicial redress. The present thesis focuses on the effectiveness of judicial redress possibilities for violations relating to transatlantic data transfers for law enforcement purposes. The main body of this thesis is divided into four chapters. The first chapter sets out the context of counter-terrorism to understand the implications for privacy. Chapter 2 offers an overview of how European and American legislators have dealt with the balancing exercise between freedom and security. In the third chapter, the judicial enforcement of privacy is analysed in order to evaluate its practical value. Finally, Chapter 4 concludes with suggestions to improve the judicial redress mechanism to allow for effective protection of privacy.
# Table of contents

## INTRODUCTION .................................................................................................................. 1

TERRORIST ATTACKS ............................................................................................................ 1

THESIS RESEARCH ................................................................................................................. 3
  - Research question ............................................................................................................. 3
  - Research methodology ...................................................................................................... 4
  - Method ............................................................................................................................... 4
  - Sources used in this thesis ............................................................................................... 7
  - Theory underlying this thesis ......................................................................................... 9
  - Research delimitations ...................................................................................................... 10

THESIS OUTLINE .................................................................................................................... 12

## CHAPTER 1  THREATENED SOCIETIES ............................................................................ 14

1.1 THREAT OF TERROR ........................................................................................................ 14

1.2 THREAT TO PRIVACY ...................................................................................................... 18
  - Concept of privacy ............................................................................................................. 18
  - Impact of counter-terrorism on privacy .......................................................................... 22
  - Impact of counter-terrorism on human rights related to privacy .................................... 25
    - Freedom of speech .......................................................................................................... 25
    - Effective judicial protection .......................................................................................... 27

1.3 TRANSATLANTIC ANSWER TO THE THREAT OF TERROR AND THREAT TO PRIVACY .... 29

1.4 SUMMARY REMARKS ..................................................................................................... 33

## CHAPTER 2  PROTECTING PRIVACY WHEN COUNTERING TERRORISM ...................... 34

2.1 EUROPEAN APPROACH ................................................................................................ 34
  - Human rights protection .................................................................................................. 34
  - Increased privacy limitations in favour of counter-terrorism ............................................ 37
    - Data Retention Directive ............................................................................................... 38
    - Council Framework Decision ...................................................................................... 40
  - Increasing protection of privacy? .................................................................................... 42

2.2 AMERICAN APPROACH .................................................................................................. 45
  - Constitutional protection ................................................................................................. 45
  - Increased privacy limitations in favour of counter-terrorism ............................................ 48
    - Patriot Act ..................................................................................................................... 48
    - Foreign Intelligence Surveillance Act .............................................................................. 50
  - Increasing protection of privacy? .................................................................................... 52

2.3 SUMMARY REMARKS ..................................................................................................... 53
**CHAPTER 3**  **JUDICIAL ENFORCEMENT OF PRIVACY WHEN COUNTERING TERRORISM**

3.1 IN THE EUROPEAN UNION ...........................................................................................................55
   3.1.1 Theory: design of the judicial redress mechanism ..............................................................55
   3.1.2 Reality: the Schrems judgment on Safe Harbour ...............................................................58
3.2 IN THE UNITED STATES .............................................................................................................62
   3.2.1 Theory: design of the judicial redress mechanism ..............................................................63
   3.2.2 American reality: the Privacy Act ......................................................................................65
   3.2.3 European reality: the Judicial Redress Act .....................................................................68
3.3 SUMMARY REMARKS ................................................................................................................70

**CHAPTER 4**  **TRANSATLANTIC TROJAN HORSE** .............................................................................73

4.1 SLIPpery SLOPE ..........................................................................................................................74
4.2 NEED FOR STRONGER PRIVACY LEGISLATION WHEN COUNTERING TERRORISM ......75
   4.2.1 Powerless protection of privacy .........................................................................................76
   4.2.2 Suggestions for improving the protection of privacy .........................................................77
4.3 NEED FOR EFFICIENT ENFORCEMENT OF PRIVACY WHEN COUNTERING TERRORISM 78
   4.3.1 Powerless enforcement of privacy ....................................................................................78
   4.3.2 Suggestions for improving the enforcement of privacy ....................................................81
4.4 CONCLUSION: TRANSATLANTIC TROJAN TREATY ............................................................82

**BIBLIOGRAPHY** ................................................................................................................................84
The umbrella agreement on personal data transfers for law enforcement: a transatlantic trojan horse? : judicial redress for privacy and data protection violations relating to transatlantic data transfers for law enforcement purposes

Wyckmans, Lien

https://doi.org/20.500.11825/243

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