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# 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.

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