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SWIFT Agreement: European Data Protection Commissioners stand up for better data protection

Vis-à-vis the U.S. government, in a joint letter, the European Data Protection Commissioners stood up for better data protection under the Terrorist Finance Tracking Program (TFTP) granting U.S. authorities access to world-wide financial data of the payment network SWIFT (known as SWIFT-Agreement) .

The Federal Commissioner for Data Protection and Freedom of Information, Peter Schaar, explains: "Unfortunately, it is still not yet guaranteed that every EU citizen is informed without delay whether and to which extent personal data have been processed by U.S. authorities. Together with the data protection commissioners of the EU countries, I am working to ensure that the rights contained in the SWIFT Agreement , which are the rights of access and rectification, erasure or blocking of incorrect data, will be filled with life. "

The data protection commissioners assembled in the Article 29 Working Party sent a ten-point catalogue to the competent U.S. Department of the Treasury. This catalogue takes up questions about procedures and the scope of data subjects' rights that have arisen in practice and which up to now have made it more difficult to enforce data subjects' rights vis-à-vis U.S. authorities.

The SWIFT Agreement allows the transfer of information on cross-border money transfers to U.S. authorities. There, bank data are evaluated for the purpose of combating terrorism. Pursuant to Article 15 all Union citizens have a right of access and according to Article 16 they have the right to rectification, erasure or blocking of incorrect data.

Already in March 2011, the report of the Joint Supervisory Body of Europol disclosed serious shortcomings in the implementation of the SWIFT Agreement. According to the Agreement Europol is obliged to verify all U.S. requests in order to ensure whether they comply with these restrictions and thus whether the data transfers are necessary.

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