Beat: Politics

MEPs travel to the U.S. for talks on home affairs, justice and privacy issues

From 15 to 18 May

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USPA NEWS - To discuss current issues with U.S. lawmakers, regulators, government officials and other stakeholders, seven MEPs will visit Washington, D.C. from 15 to 18 May. During their four-day visit to the United States capital, MEPs of the Civil Liberties Committee will meet with members of the House of Representatives and Senator working on privacy, cybersecurity and women's rights issues, including sponsors of different federal privacy acts.

Among others, MEPs will meet with Lina M. Khan, Chair of the Federal Trade Commission; senior representatives of the U.S. Courts administration; officials working on security, counter-terrorism and visa policy at the Department of State, the Department of Justice and the Federal Bureau of Investigations; representatives from the Data Protection Review Court (DPRC) and Office of the Director of National Intelligence (ODNI); NGOs working on technology policy, human rights and the safety of children; and think-tanks.

During the visit, EU lawmakers and their interlocutors will discuss a wide range of current policy issues including security and child protection, data transfers and privacy, women's rights, counter-terrorism efforts, visa waiver programmes, and technology policy.

Weeks ago, the European Parliament recalled that respect for private and family life and the protection of personal data are legally enforceable fundamental rights enshrined in the Treaties, the Charter and the European Convention on Human Rights, as well as in laws and case-law; emphasises that adequacy decisions under the GDPR are legal decisions, not political choices and that the rights to privacy and data protection cannot be balanced against commercial or political interests but only against other fundamental rights.

Also they take note of the efforts made in the EO 14086 to lay down limits on US signals intelligence activities by making the principles of proportionality and necessity apply to the US legal framework on signals intelligence, and providing a list of legitimate objectives for such activities; noted that these principles would be binding on the entire US intelligence community and could be invoked by data subjects within the procedure envisaged in EO 14086; stressed that this executive order provides for significant improvements aimed at ensuring that these principles are essentially equivalent under EU law; points out, however, that these principles are long-standing key elements of the EU data protection regime and that their substantive definitions in EO 14086 are not in line with their definition under EU law and their interpretation by the CJEU; and pointed out, furthermore, that for the purposes of the EU-US Data Privacy Framework, these principles would be interpreted solely in the light of US law and legal traditions and not those of the EU.

EP also noted that EO 14086 lists 12 legitimate objectives that may be pursued when conducting signals intelligence collection and five objectives for which signals intelligence collection is prohibited; notes that the list of legitimate national security objectives can be amended and expanded by the US President with no obligation to make the relevant updates public nor to inform the EU; pointed out that EO 14086 requires that signals intelligence must be conducted in a manner necessary and proportionate to the 'validated intelligence priority', which appears to be a broad interpretation of these concepts; stressed that for a comprehensive assessment of principles of proportionality and necessity in the context of EO 14086, they would have to be operationalized and implemented in the policies and procedures of US intelligence agencies; is concerned, however, that it is not a requirement that analysts conduct a proportionality assessment for each surveillance decision.

And recalled that, in its resolution of May 20, 2021, Parliament called on the Commission not to adopt a new adequacy decision in relation to the United States unless meaningful reforms were introduced, in particular for national security and intelligence purposes; does not consider the EO 14086 to be sufficiently meaningful; reiterates that the Commission should not leave the task of protecting the fundamental rights of EU citizens to the Court of Justice of the European Union following complaints from such individual citizens.

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