

ARTICLE 29 Data Protection Working Party



Brussels, 13 June 2013

Mr R. Priebe
Director Internal Security
DG Home Affairs
European Commission
Rue du Luxembourg 46 – 03/106
B – 1049 BRUSSELS, Belgium

Subject: TFTP2 Uniform Application Procedures

Dear Mr Priebe,

Following the entry into force of the TFTP2 Agreement between the European Union and the United States, the European data protection authorities united in the Article 29 Working Party have sought to clarify several provisions of the Agreement. To this end, on 7 June 2011 a letter was sent to the US Treasury Deputy Assistant Secretary, Ms Melissa Hartman. In this letter the Working Party requested, amongst others, to confirm that the identification of a person requesting access to his/her information retained and processed under the TFTP2 Agreement could be done on European soil by the national data protection authority forwarding the request.

Following several exchanges of letters over the past months between representatives of the United States Treasury Department, the Article 29 Working Party and yourself, it is my pleasure to present you herewith the final uniform application procedure and standard templates for citizens to exercise their rights under the TFTP2 Agreement. At its last plenary meeting, the Working Party has adopted this procedure unanimously. A list of the relevant authorities subscribing to the procedure is attached to the procedure, as well as an overview of what they consider to be valid means of identification. Compared to the last draft provided to the European Commission and the U.S. counterparts, all proposed amendments have been agreed and included in this version.

I would appreciate it if you could confirm that both the European Commission and the U.S. Treasury Department agree that the attached procedures are in line with the intentions of the TFTP2 Agreement and can thus enter into force in the weeks to come. Upon receipt of your confirmation that the procedure is accepted, the members of the Working Party will publish this procedure on their respective websites and will start using the procedure and the templates for all future access requests under the TFTP2 Agreement.

Yours sincerely,

Jacob Kohnstamm
Chairman of the Article 29 Working Party

This Working Party was set up under Article 29 of Directive 95/46/EC. It is an independent European advisory body on data protection and privacy. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC.

The secretariat is provided by Directorate C (Fundamental Rights and Union Citizenship) of the European Commission, Directorate General Justice, B-1049 Brussels, Belgium, Office No LX-46 01/190.

Website: http://ec.europa.eu/justice/policies/privacy/index_en.htm