

disclose various corporate alliances either to other companies involved in the data transfer or to Data Protection Authorities.

In the context of global information networks where multiple parties may share information and may also in turn subcontract data processing (e.g. computer reservation systems or cash machine networks), the contractual approach seems rather unwieldy. Under the model approach, each member of the network would be required to sign a contract with every other member of the network and every subcontractor.

#### A Model "Network Agreement"

An alternative might be a model "network agreement." Yet, one can imagine a host of difficulties demarcating information processing responsibility, identifying violations of data protection and settling disputes. In the end, some of the perceived difficulties with the contractual approach might be resolved by the model agreement. But, the approach itself appears to be a limited starting point for TBDF equivalence.

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#### DATA COMMISSIONERS SET PRE-CONDITIONS FOR POLICE USE OF INTERNATIONAL DATA

*The Data Protection Commissioners of Belgium, Denmark, France, Germany, Ireland, Luxembourg, the Netherlands and the United Kingdom have demanded adequate national data protection arrangements as a pre-condition before the Schengen Agreement enters into force. These decisions resulted from their meeting on international police cooperation held in The Hague on November 28/29.*

The Commissioners' Conference gave special attention to the Convention applying the Schengen Agreement, as this Convention is an important precedent for similar developments regarding the free movement of people within the framework of the 12 EC countries forming the Single European Market.

The establishment of a Schengen Information System, and a variety of other arrangements concerning data transmission for police use, as provided for in the Convention, will result in a considerable increase of personal data flowing across national borders.

##### **Pre-Conditions for Police Use of Data from other Countries**

As a result, a coherent system of data protection provisions has been created which have to be met before the Convention enters into force, expected on March 1, 1993.

The transmission of personal data, through the Schengen Information System or according to other arrangements in the Convention, may take place only when each Contracting Party has taken, when the Convention enters into force at the latest, the necessary measures to achieve a level of personal data protection at least equal to that resulting from the principles of the *Council of Europe Data Protection Convention*. In particular, the Commissioners state that these national arrangements have to be in compliance with the *Council of Europe Recommendation R (87) 15 of 17 September 1987 regulating the use of personal data in the police sector*. (Both these documents are available from the PL&B office).

The Convention also provides for the designation of independent national supervisory authorities for the national sections of the Schengen Information System, and for a joint supervisory authority for the central technical support function.

##### **Conference decisions**

The Conference, noting that these developments are taking place and that not all of the Convention's Contracting Parties have yet fulfilled the relevant data protection conditions, stressed the need for:

1. *adequate national arrangements on data protection as an absolute condition* before the Convention enters into force.
2. *adequate data protection arrangements in relation to the development of essential parts of the Schengen Information System* before the Convention enters into force.

In addition, the *Data Protection Commissioners of the Contracting Parties* (Belgium, France, Germany, Luxembourg and the Netherlands) have decided to establish an *ad-hoc working group* - before the Convention enters into force - in order to facilitate the necessary consultation between them with regard to the relevant parts of the Convention as well as on all organisational matters related to its operation.

**This edited report was submitted by Alexander Singewald, Information Manager, the Registratiekamer, the Netherlands Data Protection Authority.**