

Folketinget - Europaudvalget

Christiansborg, den 30. november 2006

Europaudvalget

2766 - økofin - Spørgsmål 1

Offentligt

Udvalget udbeder sig - i 5 eksemplarer - ministerens besvarelse af følgende spørgsmål:

Ad

2766 - Rådsmøde nr. 2766 (økonomi- og finansministre) den 28/11-06
økofin

- 1 Ministeren bedes - som lovet på Europaudvalgets møde den 24. november 2006 - redegøre for sagen vedr. SWIFT's overtrædelse af EU's databeskyttelsesregler, jf. vedlagte artikel i International Herald Tribune den 23. november 2006.

P.u.v.

Elisabeth Arnold
formand.

EU agency finds bank flouted law

Data transfers found to breach civil rights

By Dan Bilefsky

BRUSSELS: A European Union monitoring agency concluded Wednesday that a banking consortium breached EU data protection rules when it gave the Bush administration access to millions of records of private financial transactions.

The consortium, known as Swift, or the Society for Worldwide Interbank Financial Telecommunications, has come under scrutiny for participating in a program that allows analysts from the Central Intelligence Agency and officials from other U.S. agencies to search for possible terrorist financing activity among the millions of confidential financial transactions it oversees.

In a draft statement, which will be completed and issued on Thursday, the EU monitoring agency said financial institutions across the bloc shared responsibility with Swift for the breach of European civil liberties.

Washington has defended the secret information transfer program, which began after the Sept. 11, 2001, terrorist attacks in the United States. But critics in Europe argue that it placed U.S. security interests ahead of European norms of human rights.

A separate investigation by a Belgian privacy commission concluded in September that Swift had flouted European privacy rules, calling the secret financial transfers "a gross miscalculation."

In response to the draft finding of the EU monitoring agency, made up of data protection supervisors from across the 25-member bloc, EU officials said the European Commission would decide whether to take Belgium to court for failing to force Swift, based in Belgium, to uphold EU data protection rules.

Prime Minister Guy Verhofstadt of Belgium has argued that Belgium is not to blame. He has appealed to the European Union and the United States to pass a trans-Atlantic agreement governing information sharing in the fight against terrorism.

EU officials said data protection authorities were considering whether to appoint an independent auditor to prevent privacy abuses in the future. They could also recommend that European banks sign contracts promising that customers' information will be processed in the future in line with European data protection rules.

Under European law, companies are forbidden from transferring confidential personal data to another country unless that country offers sufficient protections. The European Union does not consider the United States to be a country that offers adequate legal protection of individual data.

In a recent hearing at the European Parliament, EU lawmakers lashed out at Swift and the bodies that oversee it, saying they had ignored EU privacy rules by failing to inform EU institutions or European citizens about the information transfers.

Several called on Swift to move its U.S. operations to Canada to prevent the United States from breaching European civil liberties.

Others demanded to know why they had learned of the transfers from newspaper reports rather than from the European Central Bank, which knew of the transfers as early as June 2002.