



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 8 March 2002 (12.03)  
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**NOTE**

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from : German delegation  
to : Article 36 Committee

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No. prev. doc. : 13176/01 JAI 120

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Subject : Europe-wide computerised profile searches

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The events of 11 September have highlighted the need to give the security authorities effective tools to combat international terrorism. As the Presidency of the Council of the European Union already noted on 24 October 2001 (JAI 120), the German delegation proposes *inter alia* to enable Europe-wide computerised profile searches to be conducted to that end.

Computerised profile searches take the form of a special type of machine comparison of personal data carried out by the police.

In the initial phase of this process, prominent individual features of known trouble-makers or perpetrators are identified on the basis of available information concerning personal characteristics or typical behaviour, and are combined to build up an overall picture (the "profile").

In the subsequent phase, selected data kept by public and private bodies are compared by computer with the characteristics thus identified. As a result, the personal data of persons matching the predetermined criteria are found.

Depending on the size of the remaining stock of data, further comparisons are carried out on the basis of additional criteria.

This computerised process results in a list of persons whose profile matches the features previously identified.

At this stage, the actual computerised profile search – i.e. the computerised comparison of personal data – is complete. Only a small number of persons remain who meet all the search criteria.

The persons thus identified will then be subjected to a thorough police examination in order to establish whether they are perpetrators or persons posing a threat to public safety.

In Germany, computerised profile searches are used both in order to **avert dangers** and for **criminal prosecution** purposes.

► Computerised profile searches in order to **avert dangers**:

The relevant provisions enable the police to compare the data of persons whose data are stored in computerised files held by public or private bodies. Such data may include data from employers, telephone, electricity and gas suppliers and residents' registration authorities.

This type of computerised profile search may be used only to avert a real danger to a person's life or liberty or to the existence or security of the Federal Republic or an individual Land. The measure is targeted at any person belonging to one of the categories of persons to be checked.

The measure must be ordered by a judge.

Furthermore, the body which compares the data is subject to specific limitations with regard to the purpose, scope and use of the data. There are also specific deletion deadlines and an obligation to document the measure specifically. Moreover, certain mechanisms are in place to protect professional secrets and certain types of official secrets.

► Computerised profile searches for **criminal prosecution purposes**:

Such searches may be ordered *inter alia* if there is sufficient evidence to suggest that a serious crime has been committed which endangers public safety or national security, and if other types of investigation would be less likely to succeed or would make it much more difficult to establish the facts or identify the whereabouts of the perpetrator.

In these cases too, the measure must be ordered by a judge.

Furthermore, the body which compares the data is subject to specific limitations with regard to the purpose, scope and use of the data. There are also specific deletion deadlines and an obligation to document the measure specifically. Moreover, certain mechanisms are in place to protect professional secrets and certain types of official secrets.

In Germany's view, computerised profile searches both for criminal prosecution purposes and in order to avert dangers constitute a proper and necessary tool in the fight against international terrorism.

However, in view of the fact that members and supporters of terrorist groups are known to roam across Europe, the measure would be much more effective if it were applied by all EU Member States.

Member States are therefore requested to inform the General Secretariat of the Council by 25 February 2002:

- (a) whether national regulations and/or procedures are in place which correspond to the aforementioned computerised profile searches,
- (b) which obstacles – if any – might impede the introduction of corresponding regulations and/or procedures at national level,
- (c) which requirements should, in their view, be taken into account in order to enable a uniform procedure to be put in place across Europe.

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