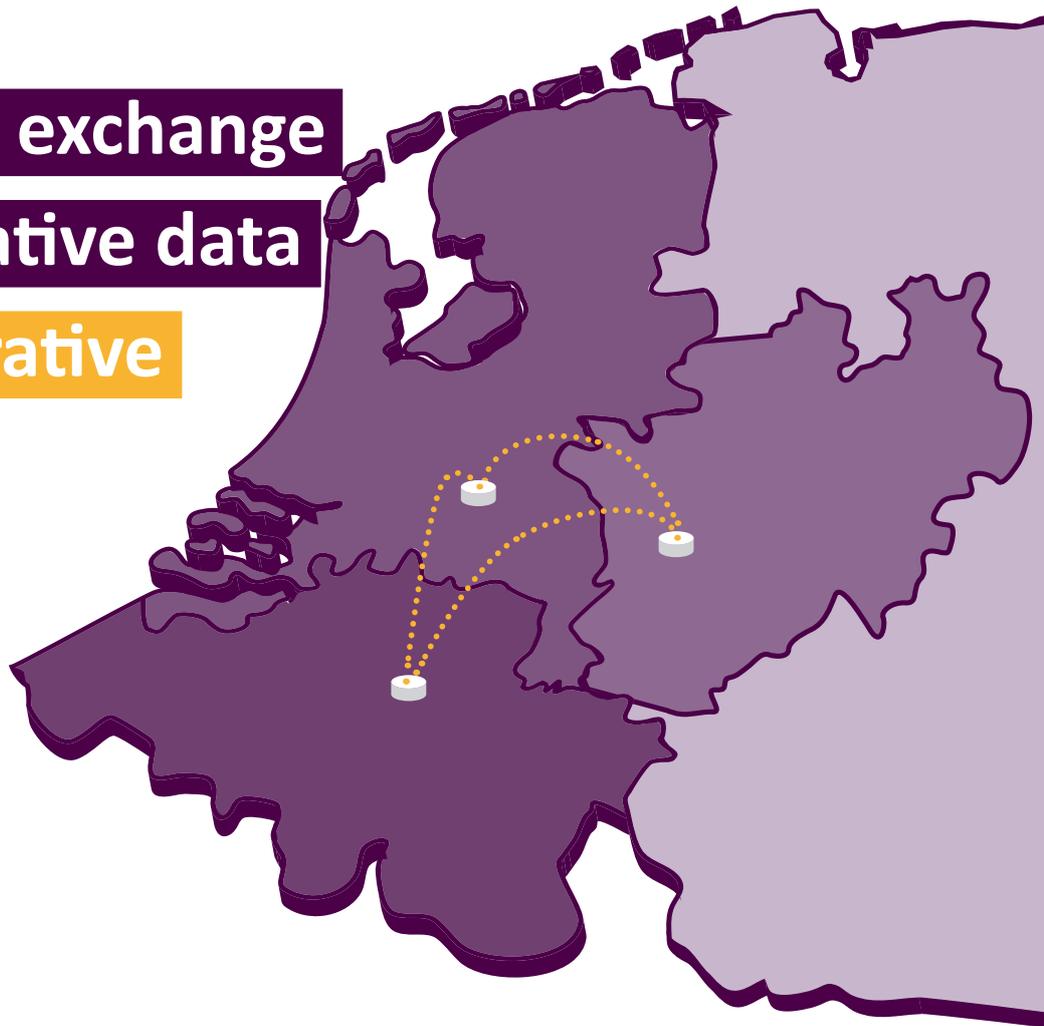


Cross-border exchange of administrative data for administrative purposes

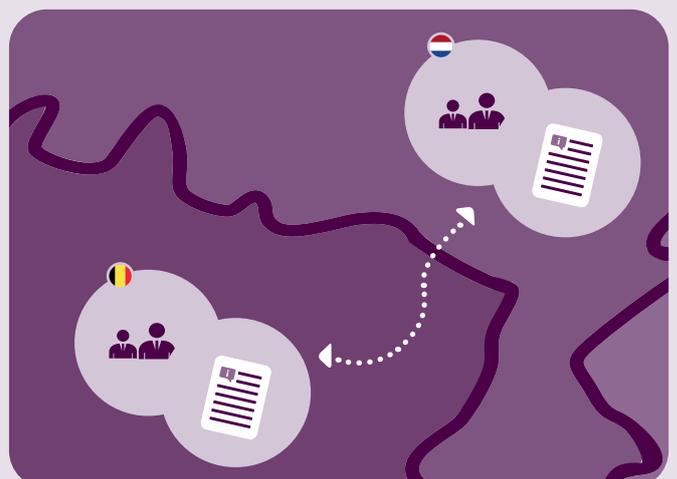


Cross-border crime and the role of local government

- Within the European Union, **living and working across borders** has become a significant advantage and a matter of course.
- However, **crime doesn't stop at the border!** Criminals consciously use borders to stay under the administrations' radars.
- For an administrative approach, a **proper information position is essential.**
- **Administrative data from other municipalities may, in certain cases, be crucial for using the resources and actions available to an administration as efficiently and effectively as possible.**

CASE: A criminal reopens a café just across the border after a foreign municipality closed the café and revoked its license due to a drugs discovery on the premises. Information about this administrative closure is required in order to ensure that the municipality where the café reopens can be vigilant in its checks, for example.

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How can a local government obtain foreign administrative data?

1 Cross-border exchange of administrative data between local administrations

The transfer of administrative data containing personal data from a municipality to a foreign municipality is generally not possible in any of the three countries due to the lack of explicit legal grounds and possible violations of the purpose limitation principle or specific duties of confidentiality. Ideally, current national laws will be amended to enable this type of data exchange in the future, and a convention regarding the exchange of administrative information would be required.

In certain cases, it is possible to provide information if it concerns data that cannot be directly traced back to personal data. As a result, in cases where the employees of the municipality are not subject to professional secrecy, this type of data may be shared cross-border.

2 Provision of information through the principle of public access to government information

In Belgium, Germany and the Netherlands, the laws on public access to government information give citizens the option to request the government to disclose certain information. Foreign municipalities may also try to use this legislation to gain access to certain administrative decisions. In many cases, the foreign administration will need personal data, but personal data is often anonymised in requests.





Possibilities

- Administrative data that contains information about company names that cannot be directly traced back to individuals may in certain cases be shared cross-border.
- In Germany, foreign municipalities may access the Gewerbezentralregister just like German municipalities. This may be the case if a foreign municipality needs to assess a person's reliability, e.g. when granting a license. The Gewerbezentralregister contains, inter alia, information about decisions to refuse a trading license regarding a specific person. For more information on the Gewerbezentralregister and access for foreign municipalities, please refer to the EURIEC website.
- The fact that in both the Netherlands and Belgium, inter-municipal information sharing is increasingly receiving attention, can also be translated into legislative changes.



Barriers

- There is no legal framework for the cross-border exchange of administrative information. As a result, exchange of personal data contained in administrative documents is impossible.
- A clear and overarching international framework for the exchange of administrative information is also lacking.



In short/conclusion

Barring a handful of exceptional situations, cross-border exchange of administrative data for administrative purposes is not possible.

For a detailed legal explanation, please download the EURIEC memorandum 'Cross-border Provision of Administrative Data' at www.euriec.eu.

If you have other questions or need support as a municipality with cross-border exchange of information, please contact the EURIEC via: euriec.rik.limburg@politie.nl.