

Subsidiary Legislation made under s.24.

EUROPOL REGULATIONS 2017

Revoked by LN.2020/515 as from 1.1.2021

(LN. 2017/083)

Commencement **1.5.2017**

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2006-20
Revoked
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2017/083

Police

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In exercise of the powers conferred upon it by section 24 of Police Act 2006 as read with section 23(g)(i) of the Interpretation and General Clauses Act and all other enabling powers, and in order to implement, in part, Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency of Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, the Government has made the following Regulations—

Title.

1. These Regulations may be cited as the Europol Regulations 2017.

Commencement.

2. These Regulations come into operation on 1 May 2017.

Interpretation.

3. In these Regulations-

“competent authority” has the meaning given to it in article 2(a) of Regulation (EU) 2016/794;

“National Supervisory Authority” means the national supervisory authority within Gibraltar established by regulation 6;

“National Unit” means the national unit within Gibraltar established by regulation 4; and

“Regulation (EU) 2016/794” means Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency of Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA.

National Unit.

4.(1) The national unit within Gibraltar for the purposes of article 7(2) of Regulation (EU) 2016/794 is the Royal Gibraltar Police.

(2) The head of the National Unit referred to in subregulation (1) is the Commissioner of Police.

Tasks of National Unit.

5.(1) Subject to subregulation (2), the National Unit or a Gibraltar competent authority shall-

- (a) supply Europol with the information necessary for it to fulfil its objectives, including information relating to forms of crime the prevention or combating of which is considered a priority by the European Union;
- (b) ensure effective communication and cooperation of all relevant competent authorities with Europol;
- (c) raise awareness of Europol's activities; and
- (d) in accordance with article 38(5)(a) of Regulation (EU) 2016/794, ensure compliance with national law when supplying information to Europol.

(2) The National Unit or a Gibraltar competent authority shall not supply information in relation to subregulation (1)(a) that would-

- (a) be contrary to the essential interests of the security of Gibraltar;
- (b) jeopardise the success of an ongoing investigation or the safety of an individual;
- (c) disclose information relating to organisations or specific intelligence activities in the field of national security.

(3) Where information ceases to fall within the scope of subregulation (2) the National Unit or a Gibraltar competent authority shall supply the information to Europol.

(4) Requests for-

- (a) rectification of personal data under article 37(1) of Regulation (EU) 2016/794; and
- (b) erasure of personal data under article 37(2) of Regulation (EU) 2016/794,

shall be made to the national unit within Gibraltar.

Supervisory Authority.

6.(1) The national supervisory authority within Gibraltar for the purposes of article 42(1) of Regulation (EU) 2016/794 is the Gibraltar Regulatory Authority.

(2) In fulfilling its role under article 42(1) of Regulation (EU) 2016/794 the national supervisory authority shall use the powers set out in the Data Protection Act and the Data Protection (Police and Judicial Cooperation in Criminal Matters) Regulations 2014.

Tasks of Supervisory Authority.

7.(1) The National Supervisory Authority shall, in accordance with the powers granted to it under any other enactment, supervise the activities of and independently monitor the permissibility of-

- (a) the transfer;
- (b) the retrieval; and
- (c) any communication,

to Europol of personal data by the National Unit or a Gibraltar competent authority.

(2) The National Supervisory Authority shall examine where such transfer, retrieval or communication, as referred to in subregulation (1), violates the rights of the data subjects concerned.

(3) In order to carry out its obligations under subregulations (1) and (2) the National Supervisory Authority shall have access, at the National Unit's or a Gibraltar competent authority's premises, to data submitted to Europol in accordance with these Regulations and Regulation (EU) 2016/794 and to logs and documentation as referred to in article 40 of Regulation (EU) 2016/794.

(4) The National Supervisory Authority may liaise with the European Data Protection Supervisor for the purposes outlined in Regulation (EU) 2016/794.

Data subject right.

8.(1) A request under article 36(3) of Regulation (EU) 2016/794 shall be made to the National Unit.

(2) A request under article 42(4) of Regulation (EU) 2016/794 shall be made to the National Supervisory Authority.