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Europol specifically required that comprehensive data protection obligations be included in Article 9 of the Europol Agreement because Australia is not a Member State of the European Union and is not subject to the privacy regime that applies to European Union Member States under the European legal framework. The relevant Council of the European Union Acts require that data protection safeguards be included in cooperation agreements that Europol concludes with non-European member states. Article 9 reflects that requirement.

Australia did not require a similar undertaking from Europol because the European Police Office (Europol) and the Member States of the European Union are subject to the European data protection regime. Australia was satisfied that Europol is operating under strict obligations in relation to data protection and did not consider it necessary to include any further safeguards in the Europol Agreement.

Regards
Dave



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