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US could access EU data retention information

12.05.2006 - 09:50 CET | By Helena Spongenberg
 US authorities can get access to EU citizens' data on phone calls, sms' and emails, giving a recent EU data-retention law much wider-reaching consequences than first expected, reports Swedish daily Sydsvenskan.

The EU data retention bill, passed in February after much controversy and with implementation tabled for late 2007, obliges telephone operators and internet service providers to store information on who called who and who emailed who for at least six months, aimed at fighting terrorism and organised crime.

A week later on 2-3 March, EU and US representatives met in Vienna for an informal high level meeting on freedom, security and justice where the US expressed interest in the future storage of information.

The US delegation to the meeting "indicated that it was considering approaching each [EU] member state to ensure that the data collected on the basis of the recently adopted Directive on data retention be accessible to them," according to the notes of the meeting.

Representatives from the Austrian EU presidency and from the European Commission said that these data were "accessible like any other data on the basis of the existing ... agreements" the notes said.

The EU representatives added that the commission would convene an expert meeting on the issue.

Under current agreements, if the FBI, for example, is interested in a group of EU citizens from a member state who are involved in an investigation, the bureau can ask for help with a prosecutor in that member state.

The national prosecutor then requests telephone operators and internet service providers for information, which is then passed on to the FBI.

This procedure opens the way for US authorities to get access under the EU data-retention law, according to the Swedish newspaper.

In the US itself meanwhile, fury has broken out in the US congress after reports revealed that the Bush administration covertly collected domestic phone records of tens of millions of US citizens since the attacks in New York on 11 September 2001.

President George Bush did not deny the allegations in a television statement last night, but insisted that his administration had not broken any laws.

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Bilateral agreements on US access to member states' information on phone calls and emails are already in place (Photo: European Commission)

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