High-Level Group on access to data for effective law enforcement

Working Groups

As envisaged in the Council's scoping paper, the high-level group will in principle meet four times at plenary level, in June and November 2023, and March and June 2024 respectively.

In line with the scoping paper, and as further stipulated in the Commission's Decision on setting up the high-level group, the group shall be supported by technical sub-groups ('working groups'), to enable deeper discussions on specific topics in a more restricted format. Working groups will each include around ten Member States' experts, supplemented by representatives of the Commission and relevant Union agencies and bodies, observers, and other invited experts. Participants in the working groups shall be nominated by the co-chairs.

1. THE WORKING GROUPS

The co-chairs propose that the HLG will establish three sub-groups ('working groups'), one for each of the identified use cases.

- Working group 1: on access to **data at rest in a user's device**
- Working group 2: on access to **data at rest in a provider's system**
- Working group 3: on access to **data in transit** ('real time access')

Each working group will explore the relevant challenges identified in the background paper, taken from the angle of the specific use case, and consider potential solutions to them, through the following lenses:[1]

- Legal *(at both national and EU level)*
- Technical *(feasibility and/or availability of technical solutions, capabilities at practitioners' level)*
- Public-private cooperation *(cooperation practices, guidelines, standardisation)*
- International *(existing agreements, ongoing negotiations, positions of third countries)*

In doing so, each working group will systematically address the following questions:

- *What is the current situation?*
- *What are the main problems that need to be addressed?*
- *What solutions should be considered / proposed?*

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[1] Workstreams as described in the HLEG scoping paper (8281/23).

In their analysis, each working group will explicitly consider the implications of the proposed solutions on fundamental rights protected under Union law, including but not limited to the right of life, physical integrity, liberty and security, including cybersecurity, respect for private and family life and protection of personal data, freedom of expression and association as well as justice standards and safeguards, and on the administrative burden and costs for the private sector.

2 TENTATIVE TIMELINE

The plenary meetings will provide guidance to the working groups and the working groups will report back to the plenary meetings. It is therefore paramount that each working group meets at least once in-between the plenary sessions. For working group 1 and 3 a minimum of three meetings is envisaged. For working group 2 it is expected that at least four meetings will be necessary.

	Plenary	Working group 1	Working group 2	Working group 3
June	19/6			
July		19/7		
August				
September			6/9	
October				4/10
November				
December				
January				
February				
March				
April				
May				
June				

This tentative timeline will be further developed and may where needed be amended by the co-chairs. It may notably be decided to change the number of sessions of one or more of the working groups, the order in which the groups meet, or to set up additional group(s) to explore topics that are not sufficiently covered by the use cases that underpin the current set-up of the working groups.