Predictive policing in EU law enforcement policies

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The Discreet Charm of Prediction
30 January 2024

Outline

- EU legislation and policies in the law enforcement area **increasingly focus on**

  – Access to large data sets

  – Predictive policing (big data analysis)

  – AI algorithms

- Revised Europol Regulation (2022)

My background

- Chairman of IT-Pol, member of EDRi

- Contributes to EDRi's work on data protection in the law enforcement area

- Worked with EDRi on Europol reform

- Advocacy when POL-INTEL (Palantir Gotham) was introduced in Denmark in 2017

Europol

- Information exchange and support for Member States' police investigations

- Europol can receive data from
  - EU Member States
  - Third countries and international organisations
  - Private companies

Data protection rules

- Europol may process **personal data** for
  - Suspects, potential future criminals, witnesses, victims, contacts and associates or informants
  - Not all persons!
- Big Data Challenge (EDPS action)
  - Europol had received large data sets from Member States **outside the permitted categories**

This is Europe
Surveillance

A data 'black hole': Europol ordered to delete vast store of personal data

Apostolis Fotiadis, *Ludek Stavinoha, Giacomo Zandonini*, **Daniel Howden**

Mon 10 Jan 2022 13.15 CET

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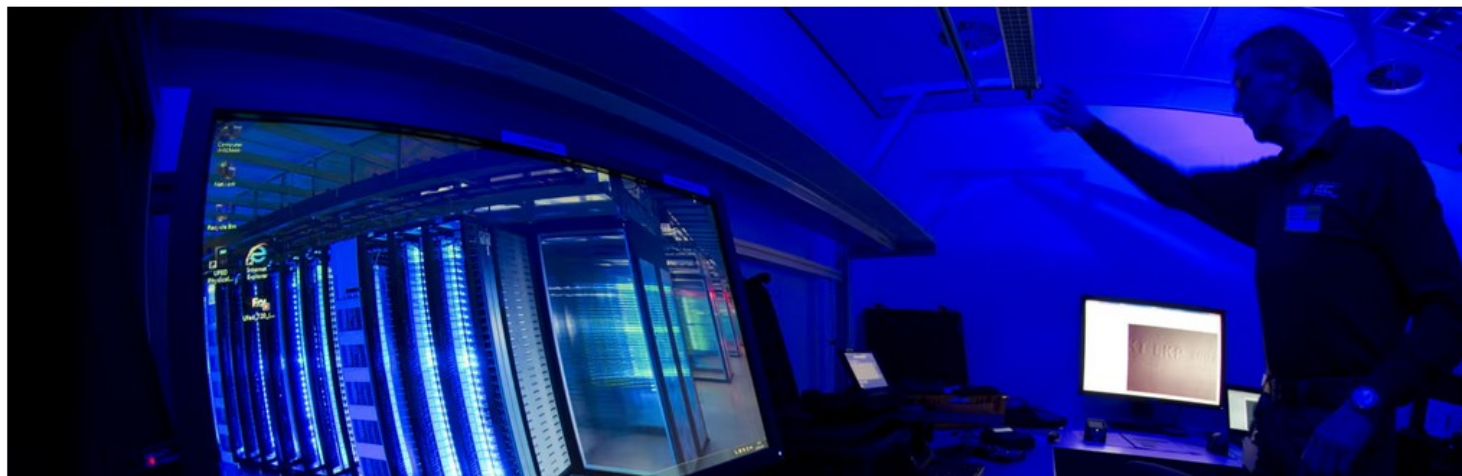
Europol reform in Dec'20

- Legalise Europol's "large data set" practices
- Pre-analysis **for 18+ months** to filter data that can then be processed lawfully
  - Find unknown suspects by cross-referencing with other Europol databases (NSA-style data mining)
- Process data outside permitted categories when investigation is not possible otherwise!

Sources of large data sets?

- Mostly unknown (secret)

- Data sets from Member States (police)

  - **EncroChat** investigation is mentioned as a success story for Europol involving large data sets

- Voluntary cooperation with private parties

  - Banking, communication and transport services are mentioned in the Commission proposal

New research mandate

- Europol Innovation Lab established May 2020
- Europol can process **personal data** in its databases for research and innovation projects
- Includes developing **AI prediction algorithms**
- Vague safeguards and limited EDPS supervision

Conclusions

- Predictive policing practices will be institutionalised at EU level

- Europol gets independent **operational powers** for data collection and analysis

- Backdoor for predictive policing at national level
  - Europol can receive and analyse large data sets to support Member States' police investigations

Example: Chat Control proposal

- Europol requested unlimited access to data from private communications

  - "**All data is useful** and should be passed on to law enforcement, there should be no filtering by the [EU] Centre **because even an innocent image might contain information that could at some point be useful** to law enforcement."

Thank you!