

## **\*DEFINITIONS**

For the BMM Demonstration and BMM legal studies, the following terminology will be used in the context as follows:

**LAW ENFORCEMENT AUTHORITIES** - COUNCIL FRAMEWORK DECISION 2006/960/JHA of 18 December 2006 (article 2 (a)): *«a national police, customs or other authority that is authorized by national law to detect, prevent and investigate offences or criminal activities and to exercise authority and take coercive measures in the context of such activities. Agencies or units dealing especially with national security issues are not covered by the concept of competent law enforcement authority.»*

**PERSONAL CRIMINAL DATA** - Personal data that might be related to the data subject during or prior to criminal proceedings in connection with a criminal offence or criminal proceedings and the data relating to criminal convictions. Consider the sharing of data that doesn't depend on the authorization of the competent judicial authority (like video images process<sup>1</sup>).

**PERSONAL DATA RELATING TO CRIMINAL OFFENCES (CRIMINAL PERSONAL DATA)** - Shall mean personal data that might be related to the data subject during or prior to criminal proceedings in connection with a criminal offence or criminal proceedings and the data relating to criminal convictions;

**CRIMINAL INTELLIGENCE** - Data collected about persons there are indications before beginning of criminal procedure that they are involved in committing or preparing serious crime. Criminal intelligence implies the profiling of the alleged criminal, his behavior, his contacts and his way of life without significant relevance with regard to a specific criminal offence.

**PERSONAL CRIMINAL INTELLIGENCE** - COUNCIL FRAMEWORK DECISION 2006/960/JHA of 18 December 2006 (article 2 (c)): information *«which a competent law enforcement authority is entitled by national law to collect, process and analyze (...) about crime or criminal activities with a view to establishing whether concrete criminal acts have been committed or may be committed in the future»*. This happens inside a *«procedural stage, not yet having reached the stage of a criminal investigation»*.

- Ex.° Ships involved in maritime events (including events involving their cargo or crew/owners) (e.g. any incidents, violations, detainments and inspections)
- Information regarding incidents and violations, including those placed on black/grey lists

**ON A CASE-BY-CASE BASIS (NEED TO KNOW PRINCIPLE)** - If there are reasonable reasons to believe that it will contribute to detection, prevention or

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<sup>1</sup> Seenational law.

investigation on specific crimes. Once the Navy and the Air Force have privileged access to the maritime environment, if while accomplishing their missions they gather useful personal criminal intelligence, it is handed over to the competent law enforcement authorities (see art. 2 nr 3 a) of Act 233/2009, 15th SEP).

**CRIMINAL DATA/ INTELLIGENCE SHARED WITHOUT REQUEST** - In cases where there are factual reasons to believe that the information and intelligence could assist in the detection, prevention or investigation of offences referred to in Article 2(2) of Framework Decision 2002/584/JHA (European arrest warrant).

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