



# Report on the application of the LED under Article 62 LED

## Questions to Data Protection Authorities/the European Data Protection Board (2025)

Fields marked with \* are mandatory.

### Background

The Data Protection Law Enforcement Directive (LED)[1] applies to domestic and cross-border processing of personal data by competent authorities for the purposes of preventing, investigating, detecting or prosecuting criminal offences and executing criminal penalties, including safeguarding against and preventing threats to public security. The LED takes a comprehensive approach to data protection in the field of law enforcement, including by regulating 'domestic' processing.

In 2022, the European Data Protection Board provided a consolidated contribution[2] of the individual replies of the DPAs to the questionnaire circulated in preparation of the 2022 Commission's first report. Following the Commission's presentation to the European Parliament and to the Council of the first report on the evaluation and review of the Directive in 2022[3], it is required to present a report every four years thereafter[4]. The Commission will present the second report in May 2026. Following the review the Commission shall, if necessary, submit appropriate proposals for amendments, in particular taking account of developments in information technology and in the light of the state of progress in the information society[5].

The LED stipulates that the Commission shall take into account the positions and findings of the European Parliament, of the Council and of other relevant bodies or sources[6]. The Commission may also request information from Member States and supervisory authorities. The Commission intends to consult Member States through the Council Working party on Data Protection. The European Union Agency for Fundamental Rights (FRA), is also conducting research based on interviews with competent authorities/prosecutors and Data Protection Authorities on the practical implementation of the LED.

For the purpose of the evaluation and review of the Directive, the Commission shall in particular examine the application and functioning of the LED provisions on international data transfers[7]. This questionnaire also

seeks to cover other aspects with particular relevance for the supervisory authorities, such as the exercise of their tasks and powers and their cooperation with each other, as well as the consistent application of the LED in the EU.

As this questionnaire intends to contribute to evaluating the LED, in your replies please provide information which falls under the scope of the LED. The reporting period covers the period from January 2022 to the 31 of August 2025. Please note that the European Commission intends to send out a version of this questionnaire on a yearly basis. Future versions will be aligned to the extent possible to the annual questionnaire on the GDPR.

The Commission would be grateful to receive the **individual replies to this questionnaire in its online form in English**, and the EDPB contribution to the LED review by 16 January 2026. In order for the EDPB to compile its contribution to the LED review, individual DPA replies should be submitted by 15 October 2025 eob.

Please note that your replies may be made public or may be disclosed in response to access to documents requests in accordance with Regulation (EC) No 1049/2001.

When there are several DPAs in your Member State, please provide a consolidated reply at national level.

**When replying, please take into account that the questions below concern the period from January 2022 to 31 August 2025.**

Following the input from other stakeholders, it is not excluded that the Commission might have additional questions at a later stage.

Deadline of submissions of the answers to the questions by DPAs: **15 October 2025 eob.**

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[1] Directive (EU) 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data.

[2] [https://www.edpb.europa.eu/sites/default/files/files/file1/edpb\\_contributiongdprevaluation\\_20200218.pdf](https://www.edpb.europa.eu/sites/default/files/files/file1/edpb_contributiongdprevaluation_20200218.pdf)

[3] Communication from the Commission to the European Parliament and the Council - [First report](#) on application and functioning of the Data Protection Law Enforcement Directive (EU) 2016/680 ('LED'), 25.7.2022 COM(2022) 364 final. Individual replies from data protection supervisory authorities to the European Commission's first evaluation of the LED in 2022 can be found [here](#).

[4] Article 62(1) LED

[5] Article 62(5) LED.

[6] Article 62(4) LED.

[7] Article 62(2) LED.

Please save your submission ID (by either downloading the PDF version of the submission or by copying it after the submission) in order to be able to later amend your submission.

If you would like to work on a submission before finalising it, please use the "Save as draft" button on the right-side panel of the published survey tab. You will be able to continue working on the submission with the given draft link. If you need to change a submission, please go to [Edit contribution](#). You will find all the required information on the [Help page for participants](#).

## Questionnaire

**We kindly ask the countries that have more than one SA to send us one consolidated reply.**

\* Please select your SA:

Belgium

Please describe your role and function in your DPA.

(*Ideally the person answering this questionnaire works on the LED on a regular basis*).

Chairman (President) of the Supervisory Body for Police Information (COC): the police dedicated DPA in BE.

## 1 Scope

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1.1 Have you ever raised a query/issued a decision relating to a competent authority's determination that a processing activity falls outside the scope of Union law (such as on the basis of national security) in accordance with Article 2(3)(a) LED?

Yes  
 No

## 2 Exercise of data subjects' rights through the DPA

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2.1 Has Article 17 LED been implemented into your national law?

Yes  
 No

2.1.a Please indicate per year how many requests under Article 17 LED have you received from January 2022 to 31 August 2025? (Please also include complaints lodged under Article 52 LED which your DPA decided to subsequently handle as an Article 17 LED request).

	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025 (until August)</b>
Number of requests (numbers only)	555	549	565	516

2.2 Is there an increase / decrease since the [last review](#)?

- Increase
- Decrease

### 3 Consultations and advisory powers

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3.1 Have competent authorities utilised the prior consultation procedure in accordance with Article 28 (1)(a) or (b) LED from January 2022 to 31 August 2025? In this context, did you provide written advice and/or use your corrective powers pursuant to Article 28(5) LED?

- Yes
- No

3.1.a In how many cases – please indicate this per year?

	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025 (until August)</b>
Number of cases (numbers only)	30	19	7	8

3.2 From January 2022 to 31 August 2025, have you established a list of processing operations that are subject to prior consultation pursuant to Article 28(3) LED or have you updated your previous list?

A list has not yet been formally established at the national level, but police services are aware of a number of processing operations that have to be submitted (camera processing, biometric processing, etc.) to the COC.

3.3 With respect to the requirements set down in Article 28(2) LED, has your DPA been consulted systematically, from January 2022 to 31 August 2025?

Yes. In total 135 demands for advice have been submitted within that period.

3.4 Please indicate the types of issues/topics on which you have been approached for advice thereby distinguishing between Article 28(1) LED and Article 28(2) LED (e.g. deployment of facial recognition cameras during identity checks based on existing laws, draft of legislative/regulatory measure for the deployment of facial recognition for a purpose under the LED, access to data in criminal investigations etc.)?

The use of fixed cameras and their subsequent transfer to other authorities - The use of bodycams in a law enforcement context - The use of drones in a law enforcement context - The use of ANPR cameras in a law enforcement context - The use of AI in a law enforcement context - The management of technical and specific databases by law enforcement authorities - The use of a subcontractors in the creation of an interface for the management of appointments for citizens with the law enforcement authorities. - Etc.

## 4 Data breach notifications

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4.1 Does your DPA make a distinction between what constitutes a breach under the LED and a breach under the GDPR?

- Yes
- No

4.1.a From January 2022 to 31 August 2025, indicate per year how many data breach notifications under the LED have you received and in what percentage you advised or ordered competent authorities to take any necessary measures to either mitigate the risk posed or bring the processing into compliance with the LED?

	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025 (until August)</b>
Number of notifications (numbers only)	18	26	29	23
Percentage of measures advised or ordered	These statistics cannot be retrieved from our systems. This would mean that each individual file would have to be reviewed again, for which there is insufficient capacity.	These statistics cannot be retrieved from our systems. This would mean that each individual file would have to be reviewed again, for which there is insufficient capacity.	These statistics cannot be retrieved from our systems. This would mean that each individual file would have to be reviewed again, for which there is insufficient capacity.	These statistics cannot be retrieved from our systems. This would mean that each individual file would have to be reviewed again, for which there is insufficient capacity.

## 5 International transfers

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5.1 Have you encountered cases where a controller transferred personal data pursuant to Article 37(1)(a) LED?

- Yes
- No

5.1.a What was the nature of the legally binding instrument grounding the transfer (e.g. bilateral MLA agreement, multilateral agreement)? Did the instrument contain all the appropriate safeguards necessary to provide an equivalent level of protection? Did you encounter any cases where the instrument did not meet the standard and what enforcement measures were taken, if any?

Multiple files of transfers of personal data – mostly within the domain of terrorism – from Belgium to e.g. Turkey, the United Arab Emirates, etc. Those were transfers during the 2015-2016-2017 period, before the adoption of the LED. The legal grounds to do so were, even at the time, questionable.

5.2 Have you encountered cases where a controller transferred personal data based on a 'self-assessment' pursuant to Article 37(1)(b) LED?

- Yes
- No

5.2.a What kind of "categories of transfers" did the controller communicate (Article 37(2) LED)? Have there been cases where you requested documentation pursuant to Article 37(3) LED? In such cases, were you satisfied with the assessment carried out by the controller and, if not, what enforcement measures were taken? Did you encounter cases where Article 37(1)(b) LED transfers were used inappropriately?

Cf. question 5.1.

5.3 Have you carried out any investigations into data transfers based on derogations, in particular those set out in Article 38(1)(c) LED and Article 38(1)(d) LED?

- Yes
- No

5.4 Have you carried out activities to promote the awareness of controllers/processors (specifically) with respect to their obligations under Chapter V of the LED?

- Yes
- No

5.4.a Please provide a few examples:

On a daily basis via inter alia: - Our website - Our opinions and advice (either written, orally or via teams meetings, either publicly available or police (controller) dedicated (cf. intra sharepoint of the Belgian police forces) - Press releases and interview - participation in training courses and colloquia - etc.

5.5 Have you advised law enforcement competent authorities about their obligations with respect to data transfers under Chapter V (Articles 35-40) of the LED, for instance as regards the appropriate safeguards required under Article 37(1)(a), (b) LED? Have you issued any guidelines, recommendations and/or best practices in this regard?

Yes, mostly within the application of Article 28.2 LED.

5.6 Have you received/handled complaints (by data subjects and/or bodies, organisations or associations in accordance with Article 55 LED) specifically addressing the issue of data transfers?

Yes. Cf. question 5.1.

5.7 Have you exercised your investigative and/or enforcement powers with respect to data transfers? In particular, have you ever imposed (temporary or definitive) limitations, including a ban, on data transfers?

We did exercise our investigative powers (cf. question 5.1) but did not impose corrective measures.

5.8 Have there been cases in which you have cooperated with foreign data protection authorities (for instance, exchange of information, complaint referral, mutual assistance)? Are there existing mechanisms on which you can rely for such cooperation?

The Belgian COC has cooperated with the CNIL (French DPA) for mutual assistance in relation to SIS request. The Belgian COC has also cooperated with the Dutch DPA on an informal basis for the exchange of best practices for the handling of SIS requests. There are no existing official mechanisms or channels to address specific issues in relation with a Member State. The Belgian COC usually goes through the Belgian law enforcement authority SPOC to contact the law enforcement authorities of other Member States as far as SIS requests are concerned.

## 6 Awareness-raising, training and guidance

6.1 From January 2022 to 31 August 2025, have you issued guidance and/or practical tools supporting competent authorities or processors to comply with their obligations?

- Yes
- No

6.1.a Please list them:

The creation of a library of the notices submitted to the law enforcement authorities in relation to the management of personal data is accessible to DPOs of said law enforcement authorities. The Belgian COC publishes on the internal police SharePoint notices and/or reports relevant to the Belgian law enforcement authorities as a whole which are not accessible to the general public.  
At the end of 2024, 17 publications (opinions, advice, investigations, decisions on complaints) were available - The Belgian COC is regularly asked to take part as a speaker/trainer in all kinds of training programmes, study days or seminars organized by the police of other parties (schools, universities, etc.) - Cf. also answer to question 5.4.

## 7 Competence

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7.1 Have you faced any difficulties stemming from your national law or practical difficulties in supervising processing operations pursuant to Article 45 LED? Have you faced difficulties as regards the supervision of processing operations by courts when they do not act in their judicial capacity?

No. The COC is only competent vis a vis: The federal police and the 178 local police forces - The Passenger Information Unit - The general police inspectorate.

7.2 For which independent judicial authorities, other than courts, are you not competent pursuant to Article 45 (2) LED, to supervise their processing operations?

The Belgian COC is not competent to supervise the processing operations of the following independent authorities acting in their judicial capacity:

- Judicial authorities, including courts and prosecutors offices, who carry out their duties independently.
- National security agencies, these are organizations tasked with safeguarding national security, such as intelligence services.
- Other independent bodies, meaning any additional authority that operates independently and has specific legal responsibilities outside the Belgian COC's jurisdiction.

## 8 Powers

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8.1 With respect to your investigative powers, do you consider them effective?

Yes  
 No

8.2 Has your answer substantially changed since the [last review](#) (from 2018-2021)?

Yes  
 No

8.2.a Please clarify:

Since the last review, the Belgian COC has achieved progressively to have a more extensive direct (meaning at the COC HQ) access to all the necessary tools and data bases at the disposal of operational law enforcement authorities (police forces).

The COC has legally access to all police information (and tries to execute that access in a direct digital manner, meaning accessing police databases from the COC HQ). This is now the case for the most important BE police databases.

8.3 Please indicate, per year (January 2022 to 31 August 2025), how many investigations and/or inspections you have conducted:

	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025 (Until August)</b>
On your own initiative (numbers only)	21	16	14	2
On the basis of complaints (numbers only)	These statistics cannot be retrieved from our systems. This would mean that each individual file would have to be reviewed again, for which there is insufficient capacity. Sometimes the investigation took place following a complaint or on the demand of administrative or judicial authorities (e.g. from the Minister of Justice and/or home affairs, from a district prosecutor, etc. ....).	These statistics cannot be retrieved from our systems. This would mean that each individual file would have to be reviewed again, for which there is insufficient capacity. Sometimes the investigation took place following a complaint or on the demand of administrative or judicial authorities (e.g. from the Minister of Justice and/or home affairs, from a district prosecutor, etc. ....).	These statistics cannot be retrieved from our systems. This would mean that each individual file would have to be reviewed again, for which there is insufficient capacity. Sometimes the investigation took place following a complaint or on the demand of administrative or judicial authorities (e.g. from the Minister of Justice and/or home affairs, from a district prosecutor, etc. ....).	These statistics cannot be retrieved from our systems. This would mean that each individual file would have to be reviewed again, for which there is insufficient capacity. Sometimes the investigation took place following a complaint or on the demand of administrative or judicial authorities (e.g. from the Minister of Justice and/or home affairs, from a district prosecutor, etc. ....).

8.4 Did you face any difficulties in exercising your investigative powers?

- Yes
- No

8.4.a Please specify which ones:

Sometimes a lack of cooperation or delaying cooperation. Most of the times however we did not encounter major difficulties. The most important difficulty is our limited capacity (max of 10 operational FTE, president and directors included) with an emphasis on the fact that the COC has just one (1) IT expert.

8.5 Have there been any changes since the [last review](#) with respect to your corrective powers listed under Article 47(2)(a), (b – including rectification, erasure, restriction) and (c) LED?

- Yes
- No

8.6 Do you consider your corrective powers effective?

- Yes
- No

8.7 With respect to the effectiveness of your corrective powers, has your answer substantially changed since the [last review](#)?

- Yes
- No

8.8 From January 2022 to 31 August 2025, please indicate, per year, which corrective powers you have applied and in how many cases. Please list the powers used according to Article 47(2)(a) LED (warnings). Amongst those cases, how many were related to the supervision of SIS[1] and VIS[2]?

[1] Council Decision 2007/533/JHA, Regulation (EU) 2018/1860, Regulation (EU) 2018/1861, Regulation (EU) 2018/1862 (as of March 2023).

[2] Council Decision 2008/633/JHA, Regulation (EC) 767/2008 (as of March 2023).

47(2)(a)	2022	2023	2024	2025 (until August)
SIS	0	0	0	0
VIS	0	0	0	0
Other	1	0	1	1

8.9 From January 2022 to 31 August 2025, please indicate, per year, which corrective powers you have applied and in how many cases. Please list the powers used according to Article 47(2)(b) LED (compliance orders). Amongst those cases, how many were related to the supervision of SIS[1] and VIS[2]?

[1] Council Decision 2007/533/JHA, Regulation (EU) 2018/1860, Regulation (EU) 2018/1861, Regulation (EU) 2018/1862 (as of March 2023).

[2] Council Decision 2008/633/JHA, Regulation (EC) 767/2008 (as of March 2023).

47(2)(b)	2022	2023	2024	2025 (until August)
SIS (please also specify whether you ordered the controller to provide access/delete data)	0	0	0	0
VIS (please also specify whether you ordered the controller to provide access/delete data)	0	0	0	0
Other (please also specify whether you ordered the controller to provide access /delete data)	6	0	1	0

8.10 From January 2022 to 31 August 2025, please indicate, per year, which corrective powers have you applied and in how many cases. Please list the powers used according to article 47(2)(c) LED (limitation of processing). Amongst those cases, how many were related to the supervision of SIS[1] and VIS[2]?

[1] Council Decision 2007/533/JHA, Regulation (EU) 2018/1860, Regulation (EU) 2018/1861, Regulation (EU) 2018/1862 (as of March 2023).

[2] Council Decision 2008/633/JHA, Regulation (EC) 767/2008 (as of March 2023).

47(2)(c)	2022	2023	2024	2025 (until August)
SIS	0	0	0	0
VIS	0	0	0	0
Other	8	2	1	0

8.11 Have the competent authorities or processors complied with decisions issued since the [last review](#) where you exercised your corrective powers?

- Yes
- No

8.12 If you have not used any of your corrective powers since the [last review](#), please provide reasons

Not applicable.

8.13 Do you have the ability to impose an administrative fine?

- Yes
- No

8.14 Total amount of fines imposed (from January 2022 until August 2025, numbers only, in € )

0

8.15 Amount of the highest fine imposed (from January 2022 until August 2025, numbers only, in € )

0

8.16 Average amount of the fines imposed (from January 2022 until August 2025, numbers only, in € )

0

## 9 Power pursuant to Article 47(5) LED

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9.1 From January 2022 to 31 August 2025, have you exercised your power to bring infringements of your national law(s) transposing the LED to the attention of judicial authorities?

- Yes
- No

9.2 From January 2022 to 31 August 2025, have you exercised your power to commence or otherwise engage in legal proceedings?

- Yes
- No

9.3 Which difficulties, if any, did you face in exercising this power? (such as procedural difficulties in your national law, because it would create an outcry from your national parliament etc.) Please also state if you do not have the power to carry out either or both of these actions.

As of end August 2025, the Belgian COC has been engaged in several legal/judicial proceedings, each time as a defendant. (2022 : 0) (2023 : 1) (2024 : 4)

## 10 Cooperation

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10.1 Please indicate the number of Mutual Assistance requests under Article 50 LED (please indicate per year)

	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025 (until August)</b>
Launched	0	0	0	0
Received	0	0	0	0

10.1.a Please indicate the subject matter of the requests (including the type of cooperation – e.g. request for info, to carry out an investigation, inspection etc.)

Not applicable.

10.2 Have you encountered any obstacles (e.g. of an administrative nature) when requesting or providing assistance to another DPA?

- Yes
- No

10.3 Which EDPB guidelines have proven helpful for your work under the LED and/or of the controllers?

- Guidelines 05/2022 on the use of facial recognition technology in the area of law enforcement.
- Guidelines 3/2019 on processing of personal data through video devices

10.4 What are the topics that should be covered by future EDPB guidelines to foster the consistent application of the LED?

Artificial Intelligence application in a law enforcement context.

## 11 Complaints



11.1 How many complaints have you received during this reporting period (i.e. from January 2022 to 31 August 2025)? Please state the number per year. How many of these were lodged by bodies, organisations or associations in accordance with Article 55 LED?

	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025 (until August)</b>
Total of complaints	29	34	34	38
Total of complaints lodged by bodies, organisations or associations in accordance with Article 55 LED	These statistics cannot be retrieved from our systems. This would mean that each individual file would have to be reviewed again, for which there is insufficient capacity.	These statistics cannot be retrieved from our systems. This would mean that each individual file would have to be reviewed again, for which there is insufficient capacity.	These statistics cannot be retrieved from our systems. This would mean that each individual file would have to be reviewed again, for which there is insufficient capacity.	These statistics cannot be retrieved from our systems. This would mean that each individual file would have to be reviewed again, for which there is insufficient capacity.

11.2 Has there been an increase in complaints following the [last review](#) (i.e. from January 2022 to 31 August 2025) in your Member State?

- Yes
- No

11.2.a Please indicate approximate increase in percentages

36

11.3 From January 2022 to 31 August 2025, please indicate the issues raised most often in these complaints (multiple choices are possible):

- The respect of the proportionality and necessity principle
- The respect of the purpose limitation principle, including for subsequent processing (Article 4 (1) (b) LED)
- Data minimisation principle (Article 4 (1) (c) LED)
- Accuracy of the data (Article 4 (1) (d) LED)
- Storage limitation principle (Article 4 (1) (e) LED) and appropriate time limits (Article 5 LED)
- Accountability of the controller (Article 4 (4) LED)
- The determination of the legal basis (Article 8/Article 10 LED)
- The conditions related to the processing of special categories of personal data (Article 10 LED)
- Automated individual decision-making, including the right to obtain human intervention in automated individual decision - making (Article 11 LED)
- Modalities for exercising the rights (Article 12 LED)
- The right to information (Article 13 LED)
- Right of access by the data subject and limitations to this right (Articles 14 and 15 LED)
- The right to rectification or erasure of personal data (Article 16 LED)
- Exercise of the data subject's rights in the context of joint controllership (Article 21 LED)
- Data protection by design and by default (Article 20 LED)
- The obligation to keep track of the logs and purposes of processing regarding the logs (Article 25 LED)
- The obligation to conduct a data protection impact assessment (Article 27 LED)
- The obligation to ensure the security of processing, including data breaches (Articles 4 (1) (f), 29 LED)
- Other:

11.4 With respect to complaints made regarding the processing of special categories of personal data, what are the main infringements you have found with respect to the conditions set down in Article 10 LED (i.e., that the processing was not strictly necessary, including whether the competent authorities have demonstrated strict necessity, that the processing was not authorised by law, where you determined that the data hasn't been made manifestly public etc)? Has recent CJEU case-law (eg C-205/21, C-80/23) changed your approach?

Cf. answer to question 36. More specially for the COC the CJEU judgement C 333-22 was of utmost importance but has not as yet led to a change of our approach due to the lack of changes in Belgian law.

## 12 Judicial review – contested decisions

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12.1 Please indicate the number of decisions/inactions per year (from January 2022 to 31 August 2025) that were challenged in court

	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025 (until August)</b>
Total number of decisions	0	1	4	0
Total number of inactions	0	0	0	0

12.1.a Please indicate, per year and per outcome, how many actions in court are pending, were considered to be inadmissible, or led to the DPA's decision being (partially) upheld - **Decisions**:

<b>Decisions</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025 (until August)</b>
Pending judicial proceeding	0	1	2	0
Inadmissible action	0	0	1	0
DPA's decision upheld/partially upheld etc	0	0	1	0

12.1.b Please indicate, per year and per outcome, how many actions in court are pending, were considered to be inadmissible, or led to the DPA's decision being (partially) upheld - **Inactions:**

<b>Inactions</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025 (until August)</b>
Pending judicial proceeding	0	0	0	0
Inadmissible action	0	0	0	0
DPA's decision upheld/partially upheld etc	0	0	0	0

12.1.c What were the main aspects challenged (e.g., a decision of a DPA may be challenged on more administrative issues' aspects, such as the fine amount or just concern a more LED-related issue, e.g., the right to erasure - either substantial matters or administrative matters for the DPAs' decision) and by who (competent authority /processor/ data subject)?

- Discussion on the lack of legal personality for the COC
- Discussion on the legality and completeness of investigation and decision of the COC
- Discussion on the Belgian standardized system of indirect access.

## 13 Human, financial and technical resources

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13.1 Please indicate the number of full-time equivalents working on the LED. Please provide data per year (from January 2022 to 31 August 2025). What percentage of overall staff does this represent (per year)?

	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025 (until August)</b>
Full-time equivalents working on the LED.	8	10	11	11
Percentage of overall staff	57	73	81	81

13.2 How would you assess your DPA's resources for its work on the LED from a human and financial point of view?

- Sufficient
- Insufficient

13.2.a Please explain why:

The COC is a law enforcement dedicated DPA with a framework of 12 FTE (board of directors included). 10 of those (board of directors included) are operational. In reality 8 to 9 FTE fully deployable to exercise oversight and DPA duties on:

- 178 locale police forces
- 1 federal police force with 52 entities
- 1 passenger information unit
- 1 general police inspectorate.

Besides being a LED dedicated DPA the COC has also other non DPA tasks. For example:

- the investigation and validation every year (or non validation) of the police crime statistics which forms the basis for the mobile phone data retention by the telecom providers;
- authorisation of certain telecom requests tot the mobile phone providers by the missing persons police service;
- possible future and new role as a Market Surveillance Authority(AI Act) -
- Etc.

13.3 Do you face any specific challenges when supervising competent authorities in terms of expertise (criminal law / new technologies) and IT resources?

- Yes
- No

13.3.a What challenges are you facing? (Multiple choice is possible)

- Insufficient expertise in criminal law
- Insufficient expertise in working methods and practices of law enforcement authorities
- Insufficient expertise in international cooperation in criminal matters
- Insufficient expertise in technologies used in the area of law enforcement
- Insufficient IT resources
- Other challenges

13.3.a.4 Insufficient expertise in technologies used in the area of law enforcement - please provide more details and advise on what would assist to overcome these challenges:

It is simply impossible to keep up with all the new technologies that the multiple police forces are experimenting with or are already using. The COC has insufficient staff to keep track in a proactive manner. One important aspect is also that even the magistrate (prosecutor or investigative judge) is not in the position to keep track and to really exercise an effective oversight.

13.3.a.5 Insufficient IT resources - please provide more details and advise on what would assist to overcome these challenges:

IT and new technologies. The COC has only one (1) IT expert ...

13.3.a.6 Other - please provide more details and advise on what would assist to overcome these challenges:

Big data issues (need of data scientist, data engineer, etc. ...).

13.4 Have you used the EDPB Support Pool of Experts for LED related tasks?

- Yes
- No

13.4.b Please provide more details:

Without the necessary knowledge of the national legislation this is not so easy and rather theoretical.

## 14 Horizontal questions

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14.1 Have you identified any significant problems regarding the transposition of the LED in your Member State that were not mentioned in the [last review](#)?

- Yes
- No

14.1.a Please provide more details:

Regarding the right of access by citizens to personal data processed by law enforcement authorities and the verifications made by the COC as DPA, provided by article 17 LED, the Belgian COC still has to work with an indirect access system and is as such confronted with major problems as our options for informing citizens are very limited. The COC is obliged to close every access demand with the standard phrase that "the necessary

verifications have been carried out". According to the Belgian transposition of the LED (Article 42 of the Belgian Law of 30 July on the protection of personal data), the Belgian DPA is still not authorised to communicate the content of data processed or give any justification as to the modifications undertaken. It is however, provided that the data subject has the right to lodge an appeal against the data controller himself. The COC finds itself albeit, as the police dedicated DPA, in the absurd situation that an appeal before a court of appeals is being lodged by persons concerned by the simple "decision" from the COC that "the necessary verifications have been carried out". With the case of the CJEU (C-333-22) read in combination with the note from the Advocate General some light has been shed on the matter and we come now to the conclusion that Belgium should relinquish its system of indirect access and instead provide for the possibility for the citizen to exercise its right of access directly with the data controller (the Belgian law enforcement authorities). The Brussels Court of appeals has however decided in 2025 that it is up to the Belgian legislator to amend the data protection law and not to the courts to directly implement the LED and/or set aside the Belgian data protection law.

14.2 Have there been any amendments to your national law implementing the LED from January 2022 to 31 August 2025?

- Yes
- No

14.2.a Please provide more details:

- The Belgian law of 15 May 2024 bringing modification in matters of the digitalization of Justice.
- The Belgian law of 29 March 2024 on the creation and the organization of the missions of the ETIAS national unit.

14.3 Is there anything else you would like to mention relevant for the LED evaluation that is not covered in this questionnaire?

- Yes
- No

14.3.a Please clarify:

The urgent need to modify the Belgian system of indirect access to a direct access system. The COC is advocating this now for about 5 years, unfortunately, without any success.

14.4 Please add the topics and/or policy messages you would like to include in the EDPB report. Elaborate the reasons why, in your view, such topics should be included.

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## Contact

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