



# 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:

Estonia

Please describe your role and function in your DPA.

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

Head of European cooperation and law in Estonian Data Protection Inspectorate (DPI). European cooperation and law team is responsible for SIS/VIS requests (and other EU information systems related inquiries) and related supervision (e.g. audits). Other national cases falling under the LED are in the supervision team.

## 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

1.1.a What was the subsequent outcome?

DPI did not proceed with the case as we have no competence, ended the proceedings with a decision.

## 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)	0	0	0	0

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

3.2 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?

DPI has not established such a list.

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.

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.)?

In the context of new draft legislative measures DPI has for example tackled questions related to how to regulate in national law:

- vehicle number identification cameras,
- different data bases related questions,
- restrictions to rights of the data subjects.

## 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)	2	3	7	4
Percentage of measures advised or ordered	0%	0%	14%	0%

## 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

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

- Yes
- No

5.3 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.b What prevented the carrying out of such activities to promote awareness?

DPI has not seen the pressing need for such activities as we have not received any complaints or identified any specific issues with awareness.

While we have not issued any general guidance or developed any tools (including related to Chapter V), in every decision/interaction with competent authorities we explain to competent authorities when the GDPR is applicable and when the LED, what are the requirements etc. We have taken a more personalised approach.

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?

No.

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?

No.

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?

No.

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?

DPI has had one case in 2024. There are no other mechanisms than finding the right contact and exchanging information mainly via e-mail. For the referred case the cooperation worked, DPI received the needed assistance.

## 6 Awareness-raising, training and guidance

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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

## 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.

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?

None.

DPI is not competent to supervise the Internal Security Service and the Estonian Foreign Intelligence Service data processing when the processing is outside of the scope of EU law under the LED Article 2 (3) (a) or the GDPR Article 2 (2) (b).

## 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

8.3 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)	-	-	-	-
On the basis of complaints (numbers only)	-	-	-	-

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

- Yes
- No

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
Other	-	-	-	0

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
Other (please also specify whether you ordered the controller to provide access /delete data)	-	-	-	1

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	-	-	-	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

8.11.a How did you follow up?

DPI gives a specific deadline for compliance and checks if measures have been taken. If not, then our Personal Data Protection Law foresees the following procedure:

§ 59 (3):

(3) If a state agency who is the processor of personal data fails to comply with the precept of the Estonian Data Protection Inspectorate within the term specified therein, the Estonian Data Protection Inspectorate shall file a protest with an administrative court pursuant to procedure provided for in the Code of Administrative Court Procedure.

There have been couple of disputes over DPI decisions in court. Others have complied.

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

DPI has, but not in the area of SIS/VIS as there has been no need. For the other investigations, DPI does not gather separate statistics if the investigation is carried out on the basis of LED or GDPR and therefore cannot provide information on numbers prior to 2025 and can provide only general observations of our supervision team members.

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 € )

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

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

## 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.

DPI has the power to send notification letters to any institution and draw attention to data protection related issues or infringements. There are no difficulties with using this power. However, DPI does not consider this measure particularly effective as in many cases it will not lead to a real change.

## 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	1	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.)

DPI has launched a request for information in order to facilitate communication between national competent law enforcement authorities in relation to a data subject's request.

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.

Recommendations 02/2020 on the European Essential Guarantees for surveillance measures.

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

Guidelines on data subject's rights as have been done under the GDPR.

Guidelines on the delineation between GDPR and LED, especially regarding reliance on the LED in the context of enforcing a penalty – how broad or narrow should be the possibility to use the LED as legal basis for data processing (e.g. data processing by prisons – which processing activities during incarceration fall under the LED and which under the GDPR).

## 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	-	-	-	-
Total of complaints lodged by bodies, organisations or associations in accordance with Article 55 LED	-	-	-	-

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

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?

Processing special categories of data has not been a prominent issue in itself in the complaints.

## 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	-	-	-	-
Total number of inactions	-	-	-	-

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	-	-	-	-
Inadmissible action	-	-	-	-
DPA's decision upheld/partially upheld etc	-	-	-	-

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	-	-	-	-
Inadmissible action	-	-	-	-
DPA's decision upheld/partially upheld etc	-	-	-	-

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)?

There haven't been many LED related cases. The disputes have mostly concerned access to data subject's data as restrictions on getting access are rather broad or are being interpreted broadly. Among these, some involved denying data subjects access to prison registry data entries concerning them.

## 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.	1	2	2	2
Percentage of overall staff	5%	6%	6%	6%

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 resources are adequate for the current situation but for new tasks on new EU databases and related audits (EES, ETIAS, ECRIS-TCN) additional resources would be needed.

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

The delineation between GDPR and LED, especially regarding reliance on LED in the context of enforcing a penalty – how broad or narrow should be the possibility to use LED as legal basis for data processing (e.g. data processing by prisons – which processing activities during incarceration fall under the LED and which under the GDPR).

The delineation between when criminal law (including LED) applies and when the processing falls outside of the scope of EU law under LED Article 2 (3) (a) or GDPR Article 2 (2) (b).

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

- Yes
- No

13.4.b Please provide more details:

## 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

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

Yes  
 No

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

14.4 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.

## Contact

[Contact Form](#)