



# 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.

**Information:**

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.

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## Questionnaire

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

\* Please select your SA:

The Netherlands

Please describe your role and function in your DPA.

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

Several colleagues involved in LED-related work have contributed input to this questionnaire. These colleagues have the following roles:

- Supervision officer
- legal advisor
- policy advisor
- complaint handlers

### 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

### 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?

	2022	2023	2024	2025 (until August)
Number of cases (numbers only)	0	0	1	0

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?

No.

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, 24 times.

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.)?

Under Article 28(2) LED, draft legislation (bills and draft royal decrees) were submitted on such topics as, inter alia, collecting, storing and further processing of data by the police in general, modernisation of the Dutch Code of Criminal Procedure, transfer of ANPR data to Benelux partners (treaty), exchange of data between law enforcement authorities, registration of stolen goods as well as national legislation in order to fulfill European obligations to exchange data correctly with other MS (ECRIS 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?

	2022	2023	2024	2025 (until August)
Number of notifications (numbers only)	150	227	261	168
Percentage of measures advised or ordered	0.0%	1,3%	1,5%	0.0%



## 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?

N/A

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?

In general the Dutch DPA frequently exchanges information with other DPAs, mainly within the context of the EDPB (or IMI system).

## 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

6.1.a Please list them:

We have updated the general information about the LED (and the national laws implementing it) on our website. We also organised a couple of 'round table meetings' with authorities and processors, so that they could not only receive guidance from the DPA, but also from each other. Besides that, we have regular contacts with the Netherlands Police and the central Public Prosecutor's Office and its DPOs. In addition, the NL DPA has set up a helpdesk by telephone and mailbox for DPOs asking for guidance on specific issues.

## 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?

Apart from courts there are no other independent judicial authorities that fall outside our competence pursuant to Article 45(2) LED.

## 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:

	2022	2023	2024	2025 (Until August)
On your own initiative (numbers only)	0	0	1	1
On the basis of complaints (numbers only)	0	0	0	0

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

8.6.a Please clarify:

Not with regard to administrative fines. There is a substantial discrepancy between 1) the number of provisions that are penalised in the GDPR and the transposition of the LED and 2) the maximum level of penalties, as the administrative fines that can be imposed on public authorities pursuant to the GDPR and the Dutch legislation as transposed by the LED cannot be considered justifiable.

In the opinion of the Dutch DPA its corrective powers still remain insufficient and not in proportion to the DPAs corrective powers regarding other public authorities pursuant to the provisions of the GDPR. The Dutch Police Data Act (i.e. one of the national transposition laws with regard to the LED) only provides for limited enforcement possibilities to impose an administrative fines for – in principle – all violations of the law. Moreover, the maximum fining level to be imposed on the police for violations of provisions that have been laid down in the law, is substantially lower than that of fines the DPA can impose on public authorities based on the GDPR. This leads to the consequence – for instance – that enforcement by the DPA in case of unlawful processing by controllers of municipality or the police respectively, can be fined by a dissuasive penalty in the first case, whereas that cannot be done in the last case, as dissuasive penalties are not foreseen in the LED/transposed national law.

Article 57 of the LED provides that ‘The penalties provided for shall be effective, proportionate and dissuasive.’ However, no detailed elaboration can be found in the LED, unlike the provisions of the GDPR, which provide for detailed effective and dissuasive measures in Article 83 GDPR. The transposed provisions in national legislation could, in principle, provide for the same level of effective, proportionate and dissuasive penalties, but this is not the case in the current Dutch legal framework. According to the Dutch DPA penalties provided for should be in line with those regulated in the GDPR as no valid reasons can be attributed to this substantial difference between the two data protection regimes. Moreover, unlike Article 83 of the GDPR, several similar rules in the LED cannot be penalised at all under Dutch law. For example: the violation of the basic principles of data protection (Article 83(4)(a) GDPR) is not penalised in the Dutch transposed legislation. This is also the case for violating the rules on transfers of personal data to recipients established in third countries (Article 83(4)(c) GDPR). In this respect the Dutch transposition is insufficient.

With regard to the level of penalties, Dutch transposed legislation provides for two categories of penalties: infringements of a. provisions relating to the obligations of the controller and b. provisions relating to the rights of the data subject. The first category can be punished by a maximum fine of 870.000 euros and the second by a maximum fine of 87.000 euros.

This can be characterised as far out of proportion compared to the maximum fines provided for by the GDPR,

while the required criteria are worded in exactly the same way, as “effective, proportionate and dissuasive” penalties.

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	0	0	0	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)	1	0	0	0
Other (please also specify whether you ordered the controller to provide access /delete data)	0	0	0	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	0	0	0	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

The DPA has checked after a period of time whether the competent authority has complied with the imposed compliance order.

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

- ☒ Yes  
☐ No

8.13.a Are there any limitations on your ability to impose an administrative fine?

- ☒ Yes  
☐ No

8.13.b Please list the limitations

Only for a limited number of infringements of the LED, the DPA has the power to impose an administrative fine.

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

50000

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

50000

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

50000

## 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.

N/A

## 10 Cooperation

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

	2022	2023	2024	2025 (until August)
Launched	difficult to provide this data (see 10.1a)	idem	idem	idem
Received	idem	idem	idem	idem

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.)

The cooperation between EU/EEA DPAs in the form of the provision of mutual assistance is primarily embedded in the IMI system. This system does not provide for an avenue for cooperation/mutual assistance tailored specifically to Article 50 LED. The possibilities for mutual assistance in the IMI system are, limited to formal mutual assistance under Article 61 GDPR (A61MA) and informal or voluntary mutual assistance under Article 61 (A61VMN) - though it can be argued that voluntary mutual assistance flows from Article 57(1)(g) GDPR. In practice, the type of mutual assistance provided under both mutual assistance flows in IMI (A61MA and A61VMN) is not strictly limited to matters falling under the GDPR and the requests frequently extend to cover (also) subject matter that falls under the LED. Please note that formal requests under A61MA are rare – there is an understanding between SAs that informal requests are to be used first so as not to start any legal deadlines and consequences without intending.

Exact numbers of mutual assistance cases under Article 50 LED through A61MA or A61VMN in IMI are difficult to provide, as criteria have not been set to determine which requests are covered by Article 50 LED, nor have such requests been homogeneously indicated as such. The same applies for other methods of cooperation (e.g. through e-mail, etc.).

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?

N/A

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

Guidelines on Article 21 LED in connection with Article 26 GDPR (Joint responsibility): Especially joint responsibility in partnerships between law enforcement agencies and other bodies (and sometimes also private parties), for joint purposes that fall within the scope of the GDPR and are closely related to the purposes of the LED. This is particularly complex because the GDPR and the LED are mutually exclusive. In the Netherlands, there is a wide spread practice of these kind of partnerships (since 2000). In 2025 two specific laws have come into force in this area: the Data Processing by Partnerships Act (Wgs) and the Data Processing Act on Person Centred Approach to Radicalisation and Terrorist Activities. A third bill is still being discussed in Parliament: the bill on Tackling Multiple Problems in the Social Domain (Wamms).

## 11 Complaints

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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?

	2022	2023	2024	2025 (until August)
Total of complaints	53	33	60	7
Total of complaints lodged by bodies, organisations or associations in accordance with Article 55 LED	27	21	42	3

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

45

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?

N/A

## 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

	2022	2023	2024	2025 (until August)
Total number of decisions	1	2	2	2
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:**

Decisions	2022	2023	2024	2025 (until August)
Pending judicial proceeding	1	3	4	2
Inadmissible action	0	0	0	0
DPA's decision upheld/partially upheld etc	0	0	1	4

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**:

Inactions	2022	2023	2024	2025 (until August)
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)?

Decision to impose a fine is challenged by data processor on numerous aspects, most importantly evidence, interpretation of the law, amount of the fine. Decisions regarding complaints are challenged by data subjects, usually with regards to the finding that no infringement has taken place or that further investigation would be required, but the case usually doesn't meet the criteria to conduct further investigation.

## 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)?

	2022	2023	2024	2025 (until August)
Full-time equivalents working on the LED.	not possible to provide this data (see explanation 13.2.a)	idem	idem	idem
Percentage of overall staff	idem	idem	idem	idem



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:

As our tasks in the area of Law enforcement, travel & border control form an integral part of our work, the Dutch DPA does not differentiate between these tasks and other tasks based on the GDPR. In practice this means that the Dutch DPA does not have a dedicated department dedicated to the LED. Several FTE, divided over a number of departments (such as the (national and international) investigation department, legal department, international policy department), do nonetheless focus on LED-related tasks and possess the required expertise to handle complaints, carry out legal analysis, to carry out investigations or to participate in international meetings with other DPAs.

At the moment, the current budget of the Dutch DPA for 2025 is set at 49,8 million. Euro. This is insufficient to carry out our supervisory tasks. In order to be a fully effective and future-proof supervisor, the Dutch DPA takes the position that a budget of 100 million would be required.

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.2 Insufficient expertise in working methods and practices of law enforcement authorities - please provide more details and advise on what would assist to overcome these challenges:

In general, it should be noted that the Dutch DPA faces difficulties when hiring the required technical and legal expertise, as supervision in the context of law enforcement requires specific and high-level skills.

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

In general, it should be noted that the Dutch DPA faces difficulties when hiring the required technical and legal expertise, as supervision in the context of law enforcement requires specific and high-level skills.

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

- ☐ Yes  
☒ No

13.4.b Please provide more details:

N/A

## 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:

The purposes described in the Dutch Criminal Data Act are generally formulated and sometimes overlapping. This is due to the complex subdivision of data categories. The Dutch laws in which the LED is implemented have many different categories of personal data (besides personal data, also police records, criminal records, reports in the criminal file, enforcement records, and judicial penalty records and judicial records, with a further subdivision into more than 15 other subcategories).

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 Netherlands has appealed to Article 63(2) of the LED (Transposition) in connection with Article 25 of the LED (Logging), there was an exception in the Police Act and Judicial and Criminal Data Act for the logging obligations in IT systems, which already existed before 2016. In 2024 this exception was lifted. The law mentioned above (Wgs), has made some changes in the Police Data Act and the Judicial and Criminal Data Act (Wjsg). When law enforcement agencies participate in the partnerships mentioned in the Wgs, the provision of personal data is mandatory, to the extent necessary for the purpose of that partnership, unless in the opinion of the controller there is a reason to preclude this.

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.

We would like to reiterate in this respect our answers to question 8.7,10.4 and 14.1.

## Contact

[Contact Form](#)

