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Adieu Data Retention? What the Future of the Data Retention Directive will be after the ECJ Decision is issued regarding its validity

A preliminary ruling on the validity of the Data Retention Directive will provide the Court of Justice of the EU an opportunity to clarify the constitutionality of the limitation of fundamental rights arising from the obligation of operators to store and retain telecommunications data. In his opinion, the Advocate General took the view that this Directive as a whole is incompatible with the principle of legality and the principle of proportionality, and sustained that it constitutes a serious interference with the fundamental right of citizens to privacy. However, he proposed that the effects of the findings of invalidity be suspended in order to enable the EU legislature to rectify the problems. Hence, the question that is raised is whether an amendment of the Directive would salvage the data retention policy of the EU or the forthcoming decision of the court will signify its termination.