

***Recommendation of the Council for the Administration of Criminal Justice
and Protection of Juveniles***
- Summary -

Draft decision on the amendment of the Judicial Data and Criminal Records Act, the Police Data Act and the Civil Aviation (Security) Decree

Recommendation to the Dutch Minister of Security and Justice, dated 23 April 2014

The Council's recommendation concerns the proposal to allow judicial data to be issued to the Council. This is provided for in Section 18a of the Judicial Data and Criminal Records Act. The recommendation does not relate to the other subjects of the draft decision that are outside of the Council's remit.

Creating the authority to directly obtain judicial data is in keeping with the Council's stated wish for this to be done. This information is important to the ability to take prudent and speedy decisions on appeal or regarding an application for suspension should the need arise. The Council is therefore pleased to note that the provision of judicial data for its task regarding the administration of justice is being provided for by decree.

The Council has two remarks concerning this draft decision:

- The proposed Section 18a and the explanatory notes to this Section mention "decisions on objection and appeal". The Council does not play any role in objection procedures, but decides on appeal and on applications for suspension. The text should be amended on this point.
- It is pointed out in the explanatory memorandum that it is important for the Council to have access to judicial data "especially with regard to the decisions of appeal tribunals concerning leave and the transfer and placement of detainees". The authority to obtain judicial data will also be important in the future to decisions in the context of the proposed introduction of electronic detention.

*The recommendation can be obtained from the secretariat of the Council
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