

(English version)

**Question for written answer E-000176/25
to the Commission
Aodhán Ó Ríordáin (S&D), Matjaž Nemec (S&D)
(16 January 2025)**

Subject: EU-Israel adequacy agreement and use of personal data in Gaza

Under Chapter 5 (Articles 45-50) of the General Data Protection Regulation (GDPR), personal data transfers from European Economic Area (EEA) countries to non-EEA countries rely heavily on adequacy decisions, which require the non-EEA country to demonstrate ‘an adequate level of protection’ for personal data. Israel was granted adequacy in 2011 under the Data Protection Directive (1995), based on Opinion 6/2009 of the article 29 Data Protection Working Party.

Recent reports indicate the Israeli military has used Palestinians’ personal data, such as the population register and mobile location data, to target individuals in Gaza. Article 45(2) of the GDPR obliges the Commission to assess broader human rights implications, including the rule of law, fundamental freedoms and enforceable rights for affected individuals.

The ongoing use of personal data in ways contrary to GDPR principles — such as large-scale surveillance, inadequate legal bases, lack of transparency and insufficient data subject protections — raises serious questions about Israel’s compliance with adequacy conditions.

Given these concerns, will the Commission reassess Israel’s adequacy status in the light of potential violations of GDPR principles and human rights, and give details of the steps that are being taken to ensure adherence to EU standards?

Submitted: 16.1.2025

**Answer given by Mr McGrath on behalf of the European Commission
(10 April 2025)**

The Commission recently evaluated the adequacy decisions adopted pursuant to the predecessor of the General Data Protection Regulation, including the one for Israel ⁽¹⁾, and concluded based on this assessment that the decisions did not need to be modified or revoked ⁽²⁾.

The Commission’s analysis covered all relevant elements of the privacy framework and of the broader institutional and legal system, including access to courts, the role and powers of oversight authorities and requirements applying to interferences of public authorities with human rights.

As part of the evaluation, the Commission also negotiated a significant strengthening of privacy safeguards and individual rights in Israel, developed to specifically apply to data transferred from the EU and implemented in Israeli law before the start of the Israel-Gaza war. Israel has then extended the application of these reinforced requirements also to data that is processed in a domestic context.

As for any adequacy decision, the Commission closely monitors the application of the decision for Israel and has tools to react if the protection afforded to data transferred from the EU would be weakened, including the possibility to propose the amendment, suspension or repeal of the decision.

⁽¹⁾ This adequacy decision refers to and is to be applied to the State of Israel in accordance with international law. It is without prejudice to the status of the Golan Heights, the Gaza Strip and the West Bank, including East Jerusalem, under the terms of international law. See Recital 14 and Article 2(2) of the adequacy decision.

⁽²⁾ COM(2024) 7 final of 15.1.2024, Report from the Commission to the European Parliament and the Council on the first review of the functioning of the adequacy decisions adopted pursuant to Article 25(6) of Directive 95/46/EC (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52024DC0007>) and SWD(2024) 3 final of 15.1.2025 Country reports on the functioning of the adequacy decisions adopted under Directive 95/46/EC (https://commission.europa.eu/document/download/f8229eb2-1a36-4cf5-a099-1cd001664bff_en?filename=JUST_template_comingsoon_Commission%20Staff%20Working%20Document%20-%20Report%20on%20the%20first%20review%20of%20the%20functioning.pdf).