

Call for proposals

Legal analysis on access to personal data by migration enforcement authorities from public services

September 2026

1. General information

The Platform for International Cooperation on Undocumented Migrants (PICUM) is a Brussels-based network of 155 organisations spread across Europe and beyond – from Portugal to Ukraine, from Finland to Togo. In just over twenty years, it has developed into a complex, purpose-driven organisation committed to achieving social justice for undocumented people and people seeking to come to Europe. It does so through research, advocacy, strategic communications, network building, and work with and support to its members.

This assignment focuses specifically on the compatibility with data protection rights of practices whereby migration/law enforcement authorities access personal data held by public services - whether under the new EU Return Regulation or under national frameworks that require public services to share data proactively ('reporting obligations') or to share data with law enforcement/migration authorities upon request.

2. Background and rationale

When services become surveillance and tools for migration enforcement

Across Europe, migration enforcement increasingly relies on detection measures embedded in everyday administrative and service contexts, including healthcare, education, housing and social services, or public spaces.

Detection measures are often presented as technical or administrative tools and operate through opaque administrative or digital systems that are difficult to identify and challenge in practice. These measures may include immigration raids in private and public spaces, reporting obligations imposed on public authorities and service providers, expanded data sharing and surveillance practices, the use of biometric identification systems, and enforcement approaches based on racial profiling rather than individual conduct.

Detection measures are enabled by the digitalisation of public administration and expanded data sharing between authorities. Personal data collected for service provision may be shared for migration purposes, violating EU data protection and fundamental rights law.

Reporting obligations and law/migration enforcement requests

Concerns about detection and data sharing in access to services relate not only to proactive reporting obligations imposed on public authorities and service providers, but increasingly also to national legal frameworks that facilitate migration/law enforcement authorities' ability to request and obtain information directly from public services (e.g. social and healthcare providers, etc).

In Sweden, the newly enacted Act on the Duty to Provide Information to Law Enforcement Authorities ([SFS 2025:170](#)) requires public authorities, including hospitals, to disclose information to the Police Authority where necessary for the prevention, detection, investigation or prosecution of crime. In a recent judgment (HF 8036), Sweden's Supreme Administrative Court confirmed that the law creates a strong presumption in favour of disclosure – including of a patient's contact details – where the request falls within the scope of crime-fighting activities, such as investigating unauthorised stay under the Aliens Act following a final return decision. The Court held that only “exceptionally strong reasons”, interpreted restrictively and supported by concrete and specific evidence in the individual case, can justify withholding such information; general concerns that disclosure might deter a patient from seeking care were found not to be sufficient.

In Finland, a recent amendment to the Police Act [adopted in July 2026](#) gives the police a right, at the request of a senior police officer, to obtain from social and healthcare service providers information on whether a specific person is or has been present at their premises, and their identity, where necessary for one of several statutory purposes – including investigating serious crime, safeguarding public order and safety, protecting national security, enforcing a prison sentence, or locating a missing person. There is no general duty to report; the safeguard lies in the request being both officer-authorized and tied to one of these specific statutory grounds.

These developments show that the risk of immigration enforcement being extended into essential services can arise not only from proactive reporting obligations placed on service providers, but also from national legal frameworks that make it difficult for social and healthcare providers to resist a law enforcement request for information, even where that information is otherwise subject to professional confidentiality.

The 'return' regulation

On 11 March 2025, the European Commission published a proposal for a Regulation establishing a common system for the return of irregularly staying third-country nationals in the Union (the “Return Regulation”), which will replace the 2008 Return Directive. Following the Council's general approach of 8 December 2025 and the European Parliament's negotiating mandate of 26 March 2026, the co-legislators reached a political agreement on the text on 1 June 2026, which the European Parliament formally approved in plenary on 17 June 2026. The Regulation is now awaiting formal adoption by the Council and publication in the Official Journal.

The Return Regulation allows Member States to deploy broad detection measures to identify people in an irregular administrative situation by introducing a new category

of “investigative measures” (Art. 23a of the [compromise text](#)¹) authorising searches of persons, their homes and other premises, and the seizure of belongings – including electronic devices – without the person’s consent. It also expands the rules on the sharing, transfer and reuse of personal data (Art. 21(2)(f)-(fa), Art. 38(3)-(8), Art. 40, Art 41 of the compromise text), including sensitive data such as health data and criminal records, between migration, law enforcement and other authorities. It also envisages an expanded role for EU information systems in tracking people subject to return decisions.

Aim of the consultancy

This study aims to:

1. Assess the compatibility of the Return Regulation’s provisions with the EU Charter of Fundamental Rights (Articles 7 and 8), European Convention on Human Rights (Article 8), the General Data Protection Regulation (GDPR; Regulation (EU) 2016/679) and the Law Enforcement Directive (LED), concerning data protection of undocumented migrants. The analysis should especially cover the following provisions of the Return Regulation:
 - investigative measures (Art. 23a)
 - data sharing (Art. 21(2)(f)-(fa), Art. 38(3)-(8), Art. 40, Art 41). Other provisions can also be analysed if relevant.
2. Review relevant jurisprudence and regulatory guidance from the Court of Justice of the European Union (CJEU), the European Court of Human Rights (ECtHR-, the European Data Protection Board) and national courts and data protection authorities on the sharing or repurposing of personal data for migration enforcement purposes.
3. Assess whether, and under what conditions, personal data collected by a public service for one purpose (e.g. healthcare, education, social assistance) can subsequently be shared or repurposed for migration enforcement, whether under a proactive reporting obligation or in response to a request from law or migration enforcement authorities. This should include the safeguards and limits that apply under EU law, including the Charter and the data protection acquis.
4. Assess the necessity and proportionality of such data sharing for migration enforcement purposes, including how the GDPR's purpose limitation and compatibility requirements interact with the necessity and proportionality requirements applicable to the legal basis authorising the further processing. The analysis should identify the criteria established by case law where possible and, where no such case law exists, providing guidance on what criteria could be inferred by analogy.

¹ The numbering of the articles refers to the compromise text agreed by the Council and the European Parliament on 10 June 2026. The numbering of the articles may differ in the final text that will be published on the Official Journal of the European Union. The compromise text is available at this link: <https://data.consilium.europa.eu/doc/document/ST-10363-2026-INIT/en/pdf>.

5. Identify concrete legal arguments and precedents that can be used to challenge these practices, including through strategic litigation. This should cover both the substantive grounds of challenge and the procedural avenues available, where relevant (e.g. national proceedings, preliminary references to the CJEU, complaints to data protection authorities).

Methodology

- Desk research, including:
 - The consolidated text of the **Return Regulation**, in particular:
 - investigative measures (Article 23a)
 - data sharing (Art. 21(2)(f), Art. 38(3)-(8), Art. 40, Art 41).
 - Relevant Court of Justice of the EU (CJEU) and European Court of Human Rights (ECtHR) case law
 - Relevant European Data Protection Supervisor (EDPS) and European Data Protection Board (EDPB) opinions and guidelines
 - National case law and data protection authority decisions – including recent national developments on law enforcement access to health and social data, such as in Sweden and Finland
 - Relevant academic and civil society literature, including PICUM's own analysis and that of partner organisations.
- An initial mapping of legal arguments and open questions, shared with PICUM for early feedback before interviews begin.
- Semi-structured interviews with approximately 3-5 selected experts in data protection, migration law and digital rights, to test emerging legal arguments, validate findings and identify additional case law or precedents; the list of experts to be determined jointly with PICUM.
- Presentation of draft findings in an online closed-door consultation meeting with PICUM secretariat, selected members and experts. The consultant will prepare the agenda and a short background note, and will support the discussion and notetaking. The consultant will work with PICUM to determine a list of experts (to be invited by PICUM) from the legal, migrant rights and digital rights fields.
- Revision and finalisation of the internal report, incorporating feedback from the desk research, interviews and consultation meeting, followed by the drafting of the outward-facing resource.

During the implementation of the assignment, the consultant will hold regular meetings with PICUM's Advocacy Officer.

The consultant is invited to further specify or recommend data collection methods, and to set out the different phases of the assignment and activities within each phase.

Deliverables

- Internal report (10 – 15 pages + annexes) providing an in- depth analysis based on the above questions.
- Outward facing resource (10-15 pages), whose structure should be agreed between the consultant and PICUM. The consultant will deliver a final draft by the end of the consultancy, ready for publication in early 2027. Examples of what the resource should be modelled on from PICUM existing resources, include:
 - Briefing series of the EU Migration pact, including the analysis of the [Asylum Procedure Regulation and Return Border Procedure Regulation](#);
 - Brief [Immigration detention and de facto detention: what does the law say?](#);
 - Brief [Data protection and the firewall: Digital technology use by labour authorities and migrant workers' rights](#)

Timeframe

The assignment should take place from **end October 2026 and 31 December 2026**.

Budget

The expected budget for this consultancy is between 7 000 – 11 000 euros, including VAT.

Intellectual Property

All rights, including copyright, in the deliverables produced under this assignment belong to PICUM. PICUM is free to publish, adapt, translate and share the deliverables, in whole or in part, in any format and through any channel, without further approval from or compensation to the consultant.

Profile of the consultant

- Advanced degree in law, human rights or a related field.
- Solid professional experience in EU migration law and/or data protection law (GDPR and LED), including work related to strategic litigation.
- Strong understanding of the EU Return Regulation and its interplay with the EU Charter of Fundamental Rights and EU data protection law.
- Track record of legal research and drafting for advocacy, litigation or policy purposes.
- Experience conducting expert interviews and facilitating expert meetings.
- Excellent legal writing skills in English; knowledge of French and/or other EU languages is an asset.
- Ability to work independently and to meet deadlines within a short timeframe.

- Familiarity with the civil society and human rights sector is an asset.

Application process:

Candidates are requested to submit their proposal to louise.bonneau@picum.org by **Tuesday 13 October 2026, 9:00 CET** with the subject line "**Consultancy application – data protection and public services**".

In the body of your email, please:

- state whether you are applying as an individual consultant or on behalf of an organisation;
- briefly summarise your relevant experience in EU migration law and/or data protection law (max. 300 words);
- confirm your availability to carry out the assignment between the end of October and 31 December 2026;
- indicate your total proposed budget, including the number of days and daily rate.

Please attach:

- a technical and financial proposal (max. 3 pages in total), setting out your understanding of the assignment, proposed methodology, a timeline with key milestones, and a detailed budget including the daily rate and any other expenses;
- a CV (max. 2 pages)

In case of any questions, contact: louise.bonneau@picum.org