



SIS II SCG

SIS II Supervision Coordination Group

Activity Report

2016-2017

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Foreword

We are pleased to unveil our Activity Report covering the period 2016-2017. This is the second report issued under the new Schengen legal framework and the coordinated supervision structure comprising National Data Protection Authorities and the European Data Protection Supervisor, both exercising their respective roles and coordinating activities within the SIS II Supervision Coordination Group.

As Data Protection Authorities, our main role and the reason why we exist is to protect the fundamental right to data protection. This has always been and will remain the primary objective of Data Protection Authorities, both when conducting their own national supervision and when carrying out joint or coordinated activities. The SIS II Supervision Coordination Group is no exception. During the past two years of activities within this group, we have continued our work in this direction. Indeed our role as the guardians of citizens' personal data is becoming increasingly challenging as we are going through exciting times for data protection in the European Union. The new data protection legal framework consisting of the General Data Protection Regulation and the Police Data Protection Directive reinforces individuals' rights and strengthens our role. While these legal instruments have a general application and will come into play for matters concerning SIS II only in those areas where the SIS II legal framework remains silent, their effect in raising data subjects' expectations, is likely to be felt even in relation to EU large-scale information systems such as SIS II.

On the other hand, we understand that information is an essential tool for Member States' authorities in the field of law enforcement, security and migration. New initiatives on the more efficient use of personal data, aimed at facilitating the analysis, combination or even accessibility of such data, including by interconnecting different EU large-scale information systems, not only create new challenges for the legislator, but also raise data protection concerns, as to their necessity and proportionality – principles that are fundamental pillars of data protection.

As Data Protection Authorities, we feel a strong sense of responsibility and commitment to ensure that the boundaries set by these fundamental pillars remain clear in times of increasing challenges, both by making our voice heard with the relevant EU institutions, and by conducting effective data protection supervision.

David Cauchi
Chair

Gert Vermeulen
Vice Chair

Introduction

The second generation of the Schengen Information System (SIS II) went operational on 9 April 2013 and is regulated by Regulation (EC) 1987/2006¹ (hereinafter "the SIS II Regulation") and Council Decision 2007/533/JHA² (hereinafter "the SIS II Decision"), both being jointly referred to as "the SIS II legal framework".

According to the SIS II legal framework, national Data Protection Authorities (DPAs) of the Member States ensure the supervision of the national competent authorities for National SIS II, while the European Data Protection Supervisor (EDPS) supervises the personal data processing activities of the Management authority (eu-LISA), responsible for the operational management of the Central SIS II.

To ensure coordinated supervision of the SIS II, the national DPAs and the EDPS cooperate actively in the framework of their responsibilities, by exchanging relevant information, assisting each other in carrying out audits and inspections, examining difficulties of interpretation or application of the SIS II Regulation and Decision, drawing up harmonised proposals for joint solutions to any problems, promoting awareness of data protection rights, studying problems in the exercise of the rights of the data subjects³.

The SIS II Supervision Coordination Group (SIS II SCG) was set up in its first meeting on 11 June 2013 and meets at least twice a year.

The mission of the SIS II SCG is becoming more and more prominent, facing the current challenges of the ever-growing need of the Member States to exchange information in the law enforcement and criminal matters sector. In this context, data protection supervision is vital to guarantee the rights of the individuals. This is the task of the SIS II SCG, which is composed of 31 members⁴ and two observers⁵. It is indeed a significant platform to promote cooperation, share experiences and exchange perspectives, give opinions and find solutions, i.e. to improve supervision.

¹ Regulation (EC) 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second-generation Schengen Information System (JOL 381, 28.12.2006).

² Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (JOL 205, 7.8.2007).

³ According respectively to articles 46 of the SIS II Regulation and 62 of the SIS II Decision.

⁴ Thirty members representing the DPAs of the Member States, these considered as the ones participating in the SIS, and the EDPS.

⁵ Cyprus and Ireland.

This Report accounts for the activities carried out by the SIS II SCG in 2016 and 2017. In accordance with Article 12.1 of the Rules of Procedure of the SIS II SCG, this Report also contains a part dedicated to national reports prepared by the national DPAs and presented in a standard model, as well as a part dedicated to a report of the EDPS as supervisory authority of the Management authority (eu-LISA).

Part I – The Supervision Coordination Activity

The SIS II SCG organized four meetings⁶ in the last two years. All the meetings took place in Brussels and were supported by the Secretariat provided by the EDPS.

In its second meeting, the SIS II SCG adopted its working program guiding the Group's activity and its working methods.

A. Working methods

Based on the positive experience of the first two years of activity, the SIS II SCG kept using a flexible mechanism to carry out its work and seeking to ensure a high level of participation and involvement of all its members.

The SIS II SCG also tried to rationalise the organisation of its work as best as possible, in particular since the workload of the DPAs increases every year. Therefore, the meetings were organised back to back with the VIS and EURODAC SCGs to take advantage of the common membership in these groups.

In the same vein, and due to the interaction between the large information systems in the borders' context, the SIS II SCG used synergies with the VIS and EURODAC SCGs, to avoid the duplication of work and to improve the consistency of data protection supervision.

In order to work in a more efficient way, the SIS II SCG established subgroups to handle specific tasks or prepare its position on certain matters, without prejudice of the continuous guidance and follow-up provided by the plenary.

To promote the cooperation and enhance the communication within the SIS II SCG, the CIRCABC network is used as the basic tool to share information, prepare the meetings, archive documents, organise the work of the subgroups and communicate in a secure, fast and costless way.

B. Main activities

The SIS II SCG succeeded in fulfilling most of the activities proposed in its working program although a few have not been completed yet.

⁶ April 2016, November 2016, June 2017, November 2017.

On the other hand, as the work is not limited to planned activities, the Group had to deal with some emergent questions that required its engagement in discussing and taking position.

1. Interpretation and application of the legal framework

a. Common Position on the deletion of alerts on stolen vehicles

In accordance with Article 62 (2) of the SIS II Decision, the SIS II SCG should examine difficulties with regard to the interpretation or the application of the SIS II Decision. Further to the question raised by one of the delegations about Articles 38 and 39 of the SIS II Decision, the Group had an exchange of views and adopted its first common position.

The main question addressed by the Common Position is whether it should be considered that upon location/seizure of the vehicle the purpose of the alert was achieved and thus it should be deleted from the SIS II, or whether the purpose of the alert has been fulfilled when the vehicle which has been located is delivered to the State issuing the alert to be used as evidence.

The Group concluded that the localisation of the vehicle, or any other object, is not the purpose of this type of alert, but instead is the first step giving rise to the exchange of supplementary information, in view of agreeing on measures to be taken to accomplish the objective of the alert, which is the object's seizure or its use as evidence in criminal proceedings.

Some recommendations were made to overcome the deficiencies of cooperation detected between Member States' competent authorities, which prevent the fulfilment of the purpose of the alert and, as a consequence, its subsequent deletion from the system, many years upon location of the car.

b. The SIS II legislative proposals

On 21 December 2016, the Commission published three proposals amending the SIS II legal basis, i.e. in the field of border checks, of police and judicial cooperation and on the use of SIS for the return of illegally staying third-country nationals. The Group analysed the Proposals and noted that while the Proposals took into considerations many of the recommendations made by the group at several occasions, there were still data protection concerns. The Group decided to take a joint position to highlight these concerns in order to contribute to the discussions by bringing its long-term experience and expertise.

c. Use of SIS II data for administrative purposes

Further to a question raised by one of the delegations about the use of SIS II data in the context of issuing firearms licenses, the Group discussed the concept of “administrative purpose” as referred to in the SIS II legal framework. Based on the analysis and the compilation of the contributions sent by the members, the Group noted that there were some divergences in the interpretation of this concept. Taking into account that the proposals for a new SIS II legal basis does not refer to this concept anymore, the Group decided to pay careful attention on this issue when carrying out inspections and report to the Group should there be specific problems or issues.

2. Development of a common audit framework

The SIS II legal framework provides that the national DPAs and the EDPS have to regularly carry out audits regarding the personal data processing activities in accordance with international auditing standards. In order to assist the DPAs in performing this legal obligation, the SIS II SCG decided to develop a common audit framework.

The audit framework was divided in two complementary parts: a security module and an alert module. The security module adopted in 2015, focuses on security aspects and follows the international auditing standards.

The alert module was finalised in 2016. It provides a set of questions (checklist) and advice, considered essential for inspecting SIS II alerts from a data protection perspective and following the requirements of the legal framework. It covers each alert involving the processing of personal data but also includes other aspects such as rules in case of misused identity, the common conditions for the alerts as the principle of proportionality or the review of procedure for extending the data storage period and the supportive manual files.

This document provides relevant support for DPAs in carrying out inspections, though always as a reference text still allowing flexibility and tuning at national level, according to the specifics of the national procedures or methodologies. Furthermore, it provides for a common approach to the inspections, allowing a better analysis and comparison of results.

Together with the Security Module, the Alerts Module constitutes a sound framework for the mandatory four-year audit to the SIS II.

3. Overview of access to the SIS II

In accordance with the SIS II legal framework, different national authorities have access to data entered in the SIS II and the right to search such data directly or in a copy of SIS II data. These national authorities include authorities responsible for border control and other police and custom checks within the Member States, as well as for national judicial authorities and the SIRENE Bureaux.

In addition, the SIS II Regulation provides that the right to access and search data may also be exercised by the authorities responsible for issuing visa applications and residence permits, as well as for the administration of legislation relating to third-country nationals in the context of the application of EU law relating to the movement of persons.

A questionnaire has been drafted and filled in by competent authorities and DPAs and a report was adopted. The report aims at providing an overview of how access to the SIS II is being performed in practice at national level in order to identify and implement new actions for the Group and its Members. The report should be read taking into account that the new legal framework brought the possibility of making direct queries in the SIS II and that the use of national copies may have relevant impact in the system security.

4. Study on Logging at national level

In its working program 2016-2018, the SIS II SCG decided to carry out a study on logging at national level. The aim of the study is to provide an overview of the retention period for logs in the Member States as well as on whether the competent supervisory authorities perform log analysis and, if so, how such an analysis is performed.

Before the questionnaire was developed the SIS II SCG had to agree on a common understanding of Article 12 (4) of the SIS II Regulation, since the provision provides two different deadlines for logs. The SIS II SCG agreed that the retention period for logs regarding access and consultation is one to three years after the access occurred and for logs which include the history of alerts (i.e. creation, alteration and deletion of the alert) is one to three years after the alert is deleted.

The questionnaire, which was drawn up by the IT Subgroup in cooperation with the Secretariat, encompassed 14 questions ranging from general questions, as for instance the content of logs or the retention period of logs, to technical questions, as for instance the remote access to logs or relevant security measures, to questions regarding the supervision of logs. The replies

were all collected and the draft report is now under discussion. The conclusions may lead to further action.

5. National criteria used by the Member States for Article 24 alerts

The SIS II SCG decided in its working program 2016-2018 to further investigate on national criteria used by Member States for introducing alerts on the basis of Article 24 of the SIS II Regulation (alerts on refusal of entry or stay). There are indeed several possibilities that might lead to the introduction of this alert, based on decisions of different nature issued by different authorities. Pursuant to the publication of the proposals for a new SIS II legal basis, which modify Article 24 of the current legislative framework, the Group decided to further discuss this issue in view of the new legal basis once adopted.

6. SCHEVAL recommendations

With a view to identify best practices, problems areas and provide guidance to Member States subject to Schengen evaluations, the Group has compiled information on SCHEVAL recommendations. This exercise has been carried out in cooperation with the VIS SCG to adopt a horizontal approach since SCHEVAL evaluations include VIS schemes too.

7. Financial and human resources of the DPAs

In 2017, the Group sent a letter drawing the attention of the EU institutions and national governments on the lack of financial and human resources given out to the data protection authorities to adequately perform their tasks in accordance with the legal framework. The Group stressed that the legal obligation to provide sufficient resources was in general not complied with. As a consequence, many supervisory authorities were facing major problems in the fulfilment of their tasks related to the supervision of the SIS II.

In its letter the SIS II SCG also recalled that the DPAs are not only responsible for monitoring the lawfulness of the processing of personal data in the N.SIS II, but are also responsible for monitoring other large-scale information systems such as the VIS, the Eurodac system, the EES and the envisaged ETIAS and interoperability components at national level.

The SIS II SCG stressed that it is of the utmost relevance that the supervisory authorities can efficiently perform their tasks, and called upon the EU

institutions to ensure, to the best of their ability, that the DPAs are granted the necessary financial and human resources to allow a consistent, effective and independent supervision of the SIS II, as well as of other large-scale information systems in the JHA area.

8. Raising awareness of data protection rights

The SIS II SCG continuously tries to improve its communication with the public and seeks to be as transparent as possible to allow the public to follow the Group's activity. For that purpose, a dedicated subgroup liaises with the EDPS services, which have been providing a great assistance in this regard. The Group adopted its own logo and a specific domain name (www.sis2scg.eu) has been purchased. In addition, the Group decided to publish after each meeting a summary of the topics discussed.

C. Institutional cooperation

The first level of institutional cooperation of the SIS II SCG is undoubtedly with the EDPS, not in the quality of member of the Group, but within the legal task and responsibility of providing the Secretariat to the Group and in bearing the costs of the meetings.

The cooperation with the EDPS has evolved since the first years of the Group in a positive course, reinforcing dialogue, trust and commitment. This is essential to overcome any difficulties and to effectively ensure a coordinated supervision of the SIS.

The SIS II SCG also upheld, from the very beginning, a valuable cooperation with the Commission, by means of regular participation of its representatives (from DG HOME and DG JUST) in parts of the meetings to address any relevant matters while being available for Q&A with delegations.

As a privileged network to reach all national DPAs, the Commission began channelling through the Group the call for designation of experts for the Schengen data protection evaluations, in order to easily reach out to experts in that area.

The SIS II SCG keeps a good working relation with the IT agency eu-LISA, as the Management Authority for SIS II, and invites to meetings a representative of the agency as needed.

The chair of the SIS II SCG was invited to present the activities of the Group to the LIBE Committee of the European Parliament in October 2016.

Part II – The national activity

This Part provides an overview of the activity of the national DPAs as national supervisory authorities for the SIS II.

1. Austria

1. **Country:** Austria
2. **Name of the DPA:** Datenschutzbehörde
3. **Legal provisions implementing SIS II framework (short description):**
The SIS II framework is implemented in the fifth part (5. Teil Schengener Informationssystem) of the EU – Polizeikooperationsgesetz. This part comprises provisions on alerts, retention periods, the rectification and deletion by police authorities and the data subjects' right to access. The access of judicial authorities is regulated in § 16 and 29 of Justizielle Zusammenarbeit in Strafsachen mit den Mitgliedstaaten der Europäischen Union (BGBl. I Nr. 36/2004).
4. **Number of complaints from data subjects:** 0
5. **Main issues object of complaints:** -
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** N/A
 - a. Among those, number of requests for deletion that resulted in deletion:
7. **Number of handled cases of cooperation between DPAs:** 0
 - a. Among those, number of cases which outcome was data deletion:
8. **Number of inspection actions performed:** 1
9. **Raising awareness activity:** 0
10. **Link for Schengen information in the DPA website:**
<https://www.dsb.gv.at/schengen> (in German)
<https://www.data-protection-authority.gv.at/the-schengen-information-system> (in English)
11. **Any relevant case-law:** -
12. **Any other relevant activity:** -

2. Belgium

1. **Country:** Belgium
2. **Name of the DPA:** The Commission for the protection of privacy (CPP)
3. **Legal provisions implementing SIS II framework (short description):**
 - The Belgian Act of 8 December 1992 *for the protection of privacy in relation to the processing of personal data* (Belgian Privacy Act) and the Royal Decree of 13 February 2001 implementing it
 - o This Act applies the rules of the European Directive 95/46/EC to the police sector except for the obligation to inform data subjects about their data being processed. Regarding the rights of access, rectification and deletion in the police sector, the Belgian Privacy Act provides for indirect access
 - The Belgian Act of 5 August 1992 *on the police functions*
 - o This Act includes the rules for the management of the police information
 - The GPI 75 Common Guideline of the Ministers of Justice and Home Affairs of 15 October 2013 *on the procedural rules to be followed by police services in the context of indirect access to the personal data they process in the General National Database in the performance of their judicial police and administrative police tasks*
 - o This Guideline provides for precise rules of procedure for the police services in their relation with the CPP concerning the indirect access, including to the SIS II
4. **Number of complaints from data subjects:** 119 indirect access requests
5. **Main issues object of complaints:**
 - Visa refusal
 - Entry ban
 - Extensive (border) controls
 - Identity theft
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** 119 requests
 - a. Among those, number of requests for deletion that resulted in deletion: 18 deletions
7. **Number of handled cases of cooperation between DPAs:** 2 cooperation requests

- a. Among those, number of cases which outcome was data deletion:

1 deletion

- 8. Number of inspection actions performed:** 2017: Inspection of the Belgian Embassy in Tunis
- 9. Raising awareness activity:** The information on the website of the Police, the Federal Immigration Office and the Ministry of Foreign Affairs has been improved.
- 10. Link for Schengen information in the DPA website:**
<https://www.autoriteprotectiondonnees.be/schengen-fr>
<https://www.gegevensbeschermingsautoriteit.be/schengen>
- 11. Any relevant case-law:** Nothing to report
- 12. Any other relevant activity:**
 Follow-up of the Schengen Evaluation of Belgium
 Participation to 1 Schengen Evaluation in 2016

3. Bulgaria

1. **Country:** Bulgaria
2. **Name of the DPA:** Commission for Personal Data Protection
3. **Legal provisions implementing SIS II framework (short description):**

The national legal framework, related to the processing of personal data by SIS II, includes the following primary legal acts:

- Constitution of the Republic of Bulgaria – Article 32 concerning privacy; Article 5, para. 4 concerning the precedence of international treaties (which have been ratified, promulgated and enacted and thus constitute integral part of the national legislation) over national legislation;
- Ministry of Interior Act (MIA) and the related secondary legislation.
- Law for Protection of Personal Data (LPPD) and the related secondary legislation (Rules of Procedure of the Commission for Personal Data Protection and Its Administration and Ordinance No. 1 dated 30 January 2013 on the minimum level of technical and organizational measures and the admissible type of personal data protection);

Important aspects of personal data protection, related to SIS II, are also regulated by other legal acts, such as the Foreigners in the Republic of Bulgaria Act (prohibiting the entry and stay of third-country nationals), the Asylum and Refugees Act (setting out the

principle of non-refoulement), the Extradition and European Arrest Warrant (EAW) Act, Criminal Procedure Code (alerts concerning items which are sought after as evidence), the Code of Criminal Procedure, the Customs Act (alerts to SIS, related to violations of the customs legislation), the Bulgarian ID Documents Act (alerts in accordance with lit. "d" and "e" of Article 38 (2) of Council Decision 2007/533/JHA), the Roads Traffic Act (keeping of registers of vehicles and drivers), the State Agency for National Security Act (discrete surveillance), the Code of Administrative Procedure (judicial control). The specific rules for the organization and operation of the national system (N.SIS) are set out in Ordinance No. 81213-465 of 26 August 2014 on the organization and functioning of the National Schengen Information System of the Republic of Bulgaria. In accordance with Article 14 of the Ordinance, data processing at N.SIS is carried out in compliance with the Ministry of Interior Act and the Law for Protection of Personal Data and the subsidiary legislation, related to their application.

4. **Number of complaints from data subjects:** none
5. **Main issues object of complaints:** none
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** three
 - a. Among those, number of requests for deletion that resulted in deletion – none
7. **Number of handled cases of cooperation between DPAs:** none
 - a. Among those, number of cases which outcome was data deletion: none
8. **Number of inspection actions performed:** CPDP performs checks of the SIRENE Bureau and N.SIS periodically and ad hoc checks on complaints and alerts.
9. **Raising awareness activity:** A total number of four training events in the field of personal data protection were held for employees of institutions with access rights to the National Schengen Information System, and information materials were adopted in the field of personal data protection for the employees of the representations of the Republic of Bulgaria abroad in 2016.

The Ministry of Interior and the Commission for Personal Data Protection use their websites for increasing citizens' awareness, with regard to personal data protection. General information about personal data protection in the Schengen Area, as well as topical information about SIS II, is published (both in Bulgarian and English) in the respective sections of the websites of the authorities.

In addition, all individuals, whose data is processed in the SIS II are recognised the right of access to data relating to them stored in the SIS II and the right of correction of inaccurate data or deletion when data have been unlawfully stored. Anyone can exercise these rights by applying to the Commission for Personal Data Protection, using the model letters for requesting access to information and for requesting correction or deletion of the data processed, which could be found on the website of the Commission for Personal Data Protection.

Brochures and a leaflet, regarding the Schengen Area, SIS II and the personal data in SIS II were published on the website of the Commission for Personal Data Protection.

10. Link for Schengen information in the DPA website: The dedicated section 'Schengen Area' from the website of the Commission for Personal Data Protection was been completed - <https://www.cpdp.bg/?p=rubric&aid=13>. The right of individuals in the field of personal data protection in the Schengen area is described in detail. Links to the official websites of the Ministry of Interior, the Ministry of Foreign Affairs and Directorate General Migration and Home Affairs of the European Commission were established.

11. Any relevant case-law: none

12. Any other relevant activity: none

4. Republic of Croatia

1. **Country:** Republic of Croatia
2. **Name of the DPA:** Personal Data Protection Agency
3. **Legal provisions implementing SIS II framework (short description):**

Personal Data Protection Act („Official Gazette” number: 103/03, 118/06, 41/08 and 130/11; 106/12 - consolidated text) represents the basis which regulates the personal data protection of natural persons, and the supervision of collection, processing and usage of personal data in the Republic of Croatia. Provisions of this Act shall apply to the personal data processing conducted by state bodies, local and regional self-government units, as well as by legal and natural persons, representation offices and branches of foreign legal persons, and representatives of foreign legal and natural persons processing personal data (Article 3. Paragraph 1.) Therefore, this regulation also applies to the data processing system SIS II. Personal Data Protection Act is a general act which applies on processing of personal data in

Schengen Information System II. The personal data filing systems which are kept by the Ministry of the Interior, as data controller, are regulated with Police Duties and Powers Act („Official Gazette” number: 76/09 and 92/14) as a special act and with Personal Data Protection Act as a general act.

4. **Number of complaints from data subjects:** 12 (data relevant for the period of 27.06.2017. when the Republic of Croatia is connected with SIS II pursuant to Council Decision (EU) 2017/733 of 25th April 2017)
5. **Main issues object of complaints:** access – 4, correction – 1, deletion – 7.
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** 0 (The Agency has not received requests for access to personal data regarding SIS II in the indicated period)
 - a. Among those, number of requests for deletion that resulted in deletion: 0
7. **Number of handled cases of cooperation between DPAs:** 0
 - a. Among those, number of cases which outcome was data deletion: 0
8. **Number of inspection actions performed:** 9 (SIRENE Bureau in the Police Directorate, data center of the Ministry of the Interior, SIS II relevant border crossings (including border police at airports, border police at seaports, border police at road border crossings with Bosnia and Hercegovina and with Serbia).
9. **Raising awareness activity:** A Guide for exercising the right of access to the SIS II in order to inform the public about their rights and the ways to exercise them is available on the Agency website.
10. **Link for Schengen information in the DPA website:**
<https://azop.hr/prava-ispitanika/detaljnije/sengenski-informacijski-sustav-ii-vodic-za-ostvarivanje-prava-pristupa> (Croatian language),
<https://azop.hr/projects/agency/schengen-information-system-ii> (English language).
11. **Any relevant case-law:** No
12. **Any other relevant activity:** Experts from the Agency participated in 2017 as national experts from Member States in the evaluation teams for Schengen evaluation (data protection) in Denmark, Iceland and Sweden.

Remark: In addition to the said, the Agency wishes to point out that the Republic of Croatia is in the process of Schengen evaluation regarding the necessary requirements for the establishment of the Schengen Information System. In February 2016 (21 to 26 February 2016), an evaluation of the Republic of Croatia was carried out on the application

of the Schengen Acquis in the field of Data Protection. Based on the positive evaluation report of the Evaluation Team on the Evaluation of the Republic of Croatia in the field of Data Protection, at the Schengen Committee (Brussels, 06 September 2016), the Report was accepted as positive and by the Council of the European Union the Implementing Decision of the Council is set out (a significant part of the established recommendations is already implemented in 2016).

5. Czech Republic

1. **Country:** The Czech Republic
2. **Name of the DPA:** The Office for Personal Data Protection
3. **Legal provisions implementing SIS II framework (short description):**
The competences of the Czech DPA are regulated by the Act no. 101/2000 Coll., on the Protection of Personal Data. According to the provision the Czech DPA is entrusted to review personal data processing and is a responsible central administrative authority in the area of personal data protection. Act no. 273/2008 Coll., on the Police of the Czech Republic regulates procedures of exercising data subject's rights with relation to the SIS II and data controller of the national part – the Police of the Czech Republic.
4. **Number of complaints from data subjects:** Over the years 2016 and 2017, the Police of the Czech Republic received overall 400 requests (168 in 2016 and 232 in 2017) and complaints based on Art. 41 of Regulation (EC) no. 1987/2016, of the European Parliament and of the Council of 20 December 2016 on the establishment, operation and use of the second-generation Schengen Information System (SIS II) and Art. 58 of Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II).
5. **Main issues object of complaints:** Exercise the right to access the processed data, the right to information whether and which personal data were entered into the SIS II and by which authority, the right to correction of deletion factually inaccurate or unlawfully stored data.
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** 20
 - a. Among those, number of requests for deletion that resulted in deletion

One complaint resulted into deletion of data subject's personal data in the SIS II due to the fact that the Police of the Czech Republic processed these data in the SIS II unlawfully. In other cases, the Czech DPA does not have access to this kind of information.

7. Number of handled cases of cooperation between DPAs: 0

a. Among those, number of cases which outcome was data deletion: N/A

8. Number of inspection actions performed: 1

In accordance with the Article 44 (2) Regulation no. 1987/2006, the Office for Personal Data Protection shall ensure that an audit of the data processing operations in its N.SIS is carried out at least every four years. The last inspection was carried out partly in the last quarter of 2017. Two local investigations at the Police Presidium's premises took place (SIRENE Bureau and ITC Department). Two specific complaints, sent to the Office before the audit had been launched, were incorporated to the inspection and examined. The audit did not show any breach of the data protection rules and found that the controller (the PCR) was processing the data in the SIS in accordance with the law.

9. Raising awareness activity: A special section "Schengen" exists on the official website of the Czech DPA. Part of the section is dedicated to the SIS II only. It contains general information about the SIS, types of data stored in the SIS, data subject rights and how to proceed when exercising rights in the Czech Republic. Besides this information, the section contains links to the data controller in the SIS II – Police presidium of the Czech Republic, a Guide providing complete information about the right of access to the SIS data and other relevant webpages dealing with the SIS. The section is also available in English in the same extent as the Czech version. Furthermore, the page includes the [Forms section](#) for exercising data subject's rights – [request for information](#), [request for correction/deletion](#) and [Complaint form](#) to be used in cases where there is suspicion of an unlawful procedure or where the controller (the Police of the Czech Republic) has not provided a satisfactory response.

10. Link for Schengen information in the DPA website:

https://www.uoou.cz/en/vismo/zobraz_dok.asp?id_org=200156&id_ktg=1366&archiv=0&p1=1221

11. Any relevant case-law: N/A

12. Any other relevant activity: National experts from the Czech DPA were nominated to overall 4 Schengen evaluation missions in accordance with the Council Regulation (EU) no. 1053/2013

establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen.

6. Denmark

1. **Country:** Denmark
2. **Name of the DPA:** Datatilsynet
3. **Legal provisions implementing SIS II framework (short description):** The rules implementing the SIS II framework in Denmark are Act no. 418 of 10 June 1997, Act no. 227 of 2 April 2003, Act no. 448 of 9 June 2004, and Act no. 521 of 6 June 2007. The act from 1997 implements the Schengen Convention and the acts from 2003, 2004, and 2007 amend the Danish "Schengen Convention act" in accordance with the Schengen Decision and Schengen II Regulation.
4. **Number of complaints from data subjects:** The Danish DPA has received two complaints in 2016-2017.
5. **Main issues object of complaints:** Deletion
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** In 2016-2017, the Danish DPA has received 26 requests for access, correction or deletion. Requests are forwarded to the Danish National Police as the first instance. If the data subject wishes to file a complaint regarding the Danish National Police's decision, the data subject can file a complaint to the Danish DPA.
 - a. Among those, number of requests for deletion that resulted in deletion.

The DPA is not aware of the exact number, since the Danish DPA will not necessarily be informed whether a request cf. question number 6 has resulted in deletion. Only in cases where the data subject files a complaint regarding the national Police's decision, the Danish DPA will be informed of the outcome of the request.
7. **Number of handled cases of cooperation between DPAs:** Three cases.
 - a. Among those, number of cases which outcome was data deletion: The specific questions raised in the cases did not lead to deletion, but in two cases other circumstances led to deletion before processing the request for cooperation.
8. **Number of inspection actions performed:**

2016: Schengen related inspection at the Danish embassy in Dublin.

9. Raising awareness activity: -

10. Link for Schengen information in the DPA website: Link to the information on the Danish DPAs website in Danish:

<https://www.datatilsynet.dk/internationalt/schengen-samarbejdet-sis/>

11. Any relevant case-law: -

12. Any other relevant activity: A Schengen evaluation of Denmark was carried out in 2017.

7. Republic of Estonia

1. Country: Republic of Estonia

2. Name of the DPA: Estonian Data Protection Inspectorate

3. Legal provisions implementing SIS II framework (short description):

National register of SIS is regulated in Police and Border Guard Act⁷ §§ 20-25 and by a statute⁸ governing its maintenance. The data subject has to send an application to the Estonian Police and Border Guard Board (PBGB, the chief processor) or to the Estonian Data Protection Inspectorate (DPI) in order to request access, correct, delete or obtain information.

The application must entail at least the applicant's name, date of birth, citizenship, signature, copy of an identification document, the nature and circumstances of the application. Estonian citizens and e-residents can provide a digital signature to their application. In other cases the data subject has to provide a handwritten signature. There are no other distinctions regarding a data subject's origin – whether he/she is from Estonia, from another Schengen member state or from a third country. Person receives an answer to his/her application within 30 days. The processes in the PBGB and DPI are free of charge. If the data subject is not satisfied with the PBGB's answers, he/she can file a complaint to the DPI or to the court. If the data subject is not satisfied with the outcome of the procedure in the DPI, he/she can turn to the court. If the data subject wishes to seek compensation for the alert, then he/she has to lodge a complaint to court. Court proceedings are not free.

⁷ Police and Border Guard Act

<https://www.riigiteataja.ee/en/eli/ee/515092017001/consolide/current> (in English).

⁸ Statute on the maintenance of the national register of the Schengen Information system:

<https://www.riigiteataja.ee/akt/118042013027> [in Estonian].

4. **Number of complaints from data subjects:** We note that primarily we dealt with cases where a person wished to access their data, but data subjects did not lodge a complaint if they received what was in the SIS II about them. If in fact there was outdated data in the SIS II, then the data was updated while processing the access request.
5. **Main issues object of complaints:** N/A
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):**
2016 – 7 cases; 2017 – 8 cases
 - a. Among those, number of requests for deletion that resulted in deletion: In 2016 and 2017 zero cases.
7. **Number of handled cases of cooperation between DPAs:** None
 - a. Among those, number of cases which outcome was data deletion: None
8. **Number of inspection actions performed:**
We did 3 on the spot inspections in 2017:
 - On the spot inspection: at the border crossing point (Vanasadam)
 - On the spot inspection: at the PBGB Sirene bureau
 - On the spot inspection: at the IT and Development Centre at the Estonian Ministry of the Interior
9. **Raising awareness activity:** Estonian DPA concentrates the awareness rising by digital means. The Inspectorate keeps the relevant information and links in our website in three languages (Estonian, English and Russian). The same information is also on the websites of the Police and Border Guard Board (PBGB). The PBGB also provides this information (along with the inspectorate's contact details) on paper at the border crossing points.
10. **Link for Schengen information in the DPA website:**
 - a. <http://www.aki.ee/et/rahvusvaheline-koostoo/schengen> (in Estonian);
 - b. <http://www.aki.ee/en/international-cooperation/schengen> (in English);
 - c. <http://www.aki.ee/ru/shengen> (in Russian).
11. **Any relevant case-law:**
 - a. currently no case law – data subjects generally wish to have access on what personal data about them is entered in SIS – therefore they turn for answers to DPI or PBGB
12. **Any other relevant activity:** -

8. Finland

1. **Country:** Finland
2. **Name of the DPA:** Office of the Data Protection Ombudsman
3. **Legal provisions implementing SIS II framework (short description):**
Police Data Protection Act, General Act on the police data protection and the processing of personal data by the police.
4. **Number of complaints from data subjects:** No complaints.
Numerous inquiries how to check your information in SIS etc.
5. **Main issues object of complaints:** -
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** -
 - a. Among those, number of requests for deletion that resulted in deletion: None. Direct access, rights are not exercised via DPA.
7. **Number of handled cases of cooperation between DPAs:** -
 - a. Among those, number of cases which outcome was data deletion:
None
8. **Number of inspection actions performed:** Inspection of the data processing operations in N.SIS II was carried out in accordance with international auditing standards (Article 60:2 of the Council decision 2007/533/JHA) and Article 44:2 of the Regulation (EC) No 1987/2006). Inspection started on 04.02.2016 and was finished on 20.07.2016. It was based on ISO 27000, standards by SIS II Supervision Coordination Group and national standards. Comprehensive inspection of Police and SIS logs was also carried out. Log I inspection started on 25.07.2017 and was finished on 17.10.2017.
9. **Raising awareness activity:** Web page of the police:
https://www.poliisi.fi/about_the_police/data_protection_and_the_rights_of_data_subjects/checking_your_personal_data
10. **Link for Schengen information in the DPA website:**
<https://tietosuoja.fi/etusivu>
11. **Any relevant case-law:** -
12. **Any other relevant activity:** -

9. France

1. **Country:** France
2. **Name of the DPA:** Commission Nationale de l'Informatique et des Libertés (CNIL)
3. **Legal provisions implementing SIS II framework (short description):** The provisions implementing of the SIS framework in France are laid down in the Internal Security Code (Code de la Sécurité Intérieure – CSI), in particular articles R. 231-1 to R. 231-16. These provisions have been updated on 28th December 2016, through a government decree ([Décret n° 2016-1956](#)) related to the national part of the Schengen Information System. Personal data processing under the national part of the Schengen Information System is subject to the French data protection law ([loi n° 78-17 du 6 janvier 1978](#) relative à l'informatique, aux fichiers et aux libertés).
4. **Number of complaints from data subjects:** No complaints have been received in 2016 and 2017.
5. **Main issues object of complaints:** N/A
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** The number of requests for access to SIS addressed to the CNIL amounted to 324 for 2016 and 359 for 2017, which represents a significant increase compared to previous years. Though requests for indirect right of access do not have to be reasoned or motivated, the requests received mainly came from individuals who have been refused visas for entry into the Schengen area or who have reported difficulties with their crossing of the borders.
 - a. Among those, number of requests for deletion that resulted in deletion: The audits carried out by a magistrate of the CNIL in charge of the right of indirect access resulted in 5 deletions in 2016 and 3 in 2017.
7. **Number of handled cases of cooperation between DPAs:** In 2016, 21 cases have been handled in cooperation with other DPAs, and 16 in 2016.
 - a. Among those, number of cases which outcome was data deletion: Following the cooperation process, the number of deletions is 2 in 2016 and 5 in 2017.
8. **Number of inspection actions performed:** The CNIL has carried out 7 inspections related to the Schengen Information System in 2016.
9. **Raising awareness activity:** The CNIL published on its website a dedicated [page](https://www.cnil.fr/fr/sis-ii-systeme-dinformation-) (<https://www.cnil.fr/fr/sis-ii-systeme-dinformation->

[schengen-ii](#)) with information concerning the Schengen Information System: its functioning, the information it contains, the information available to data subjects, as well as the exercise of data subjects rights.

10. Link for Schengen information in the DPA website: The link to the SIS II guide for exercising the right of access is available on the CNIL webpage dedicated to the Schengen Information System, together with links to other languages version and to the guide summary.

11. Any relevant case-law: N/A

12. Any other relevant activity: On 1st December 2016, the CNIL adopted an opinion ([Délibération n° 2016-371](#)) on the draft government decree related to the national part of the Schengen Information System, modifying the Internal Security Code with regards to N-SIS data processing. Within the framework of the Schengen evaluation and monitoring mechanism, an evaluation of France on the application of the Schengen acquis in the field of data protection has been carried out in December 2016.

10. Germany

1. **Country:** Germany
2. **Name of the DPA:** Federal Commissioner for Data Protection and Freedom of Information
3. **Legal provisions implementing SIS II framework (short description):**

Council Decision 2007/533/JHA of 12 Juni 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) has been implemented by the Act on the Schengen Information System II (Gesetz zum Schengener Informationssystem der zweiten Generation - SIS-II-Gesetz).

Related provision can be found in the following regulations inter alia:

- Criminal Investigation Act (Bundeskriminalamtgesetz– BKAG).
- Act Regulating the Cooperation between the Federation and the Federal States in Matters Relating to the Protection of the Constitution and on the Federal Office for the Protection of the Constitution (Bundesverfassungsschutzgesetz - BVerfSchG).
- The German Code of Criminal Procedure (Strafprozeßordnung – StPO).

4. **Number of complaints from data subjects:** 15
5. **Main issues object of complaints:** requests for deletion
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):**
 - i. requests for access: 15
 - ii. requests for correction: 0
 - iii. requests for deletion: 15
 - a. Among those, number of requests for deletion that resulted in deletion: 5
7. **Number of handled cases of cooperation between DPAs:** 9
 - a. Among those, number of cases which outcome was data deletion: 4
8. **Number of inspection actions performed:** After a fact finding visit in January 2017 a first audit and inspection of the N.SIS II and the lawfulness of processing of SIS II data has been carried out on 28./29.03.2017 at the Federal Criminal Agency.
9. **Raising awareness activity:** Based on the guidance on data subjects' rights prepared by the SIS II SCG in 2015, the Federal DPA prepared a short and updated version focused on the situation in Germany and published it on the website of the Federal DPA.
10. **Link for Schengen information in the DPA website:**
https://www.bfdi.bund.de/DE/Europa_International/Europa/Justiz_elle_und_polizeiliche_Zusammenarbeit/Polizeiliche_Zusammenarbeit/SchengenerInformationssystem-Allgemeines.html
11. **Any relevant case-law:** -
12. **Any other relevant activity:** The Federal DPA has developed a Policy Paper as guidance for future inspections of SIS II, VIS and Eurodac. It contains basic parameters like audit/inspection cycles, authorities to be inspected as well as the minimum content of audits/inspections. Furthermore, the Federal DPA has set up an internal supervision register containing all obligatory audits and inspections including SIS II activities. This register serves as tool for scheduling and controlling future supervision activities as well as documenting and keeping track of the findings of past activities.

11. Greece

1. **Country:** Hellas
2. **Name of the DPA:** Hellenic Data Protection Authority
3. **Legal provisions implementing SIS II framework (short description):**

No such legal provisions were implemented.

4. **Number of complaints from data subjects:** 23 in 2016 and 19 in 2017
5. **Main issues object of complaints:** Request for deletion.
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):**
 - a. Among those, number of requests for deletion that resulted in deletion: N/a (the data subject's rights are exercised directly to the data controller, i.e. the SIRENE Bureau).
7. **Number of handled cases of cooperation between DPAs:** a total of two (2) cases; one (1) in 2016 and one (1) in 2017.
 - a. Among those, number of cases which outcome was data deletion: None
8. **Number of inspection actions performed:** Even though no inspection on site was performed during the period 2016 -2017, the last inspection performed, which had started in 2015, was finalised. To this end, a formal Decision was delivered incorporating all the recommendations that were issued.
9. **Raising awareness activity:** Information provided by the HDPA' s website (Guide for exercising the right of access, etc.) and the quarterly issued newsletter which is published in that website and cites the more important Decisions (amongst which Schengen related Decisions on request for deletion can be found) delivered by the Board of the HDPA.
10. **Link for Schengen information in the DPA website:**

http://www.dpa.gr/portal/page?_pageid=33,126607&_dad=portal&_schema=PORTAL (in Greek)

http://www.dpa.gr/portal/page?_pageid=33,67046&_dad=portal&_schema=PORTAL (in English)
11. **Any relevant case-law:** None
12. **Any other relevant activity:** None

12. Hungary

1. **Country:** Hungary
2. **Name of the DPA:** Hungarian National Authority for Data Protection and Freedom of Information
3. **Legal provisions implementing SIS II framework (short description):** Provisions on the use of SIS II are implemented in Act CLXXXI of 2012 on information exchange within the framework of the

Second Generation Schengen Information System. The provisions of the act are normative in Hungary regarding data processing issues in the SIS II.

- 4. Number of complaints from data subjects:** 32
- 5. Main issues object of complaints:** Information and deletion requests from SIS II
- 6. Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** 32
 - a. Among those, number of requests for deletion that resulted in deletion: 0
- 7. Number of handled cases of cooperation between DPAs:** 0
 - a. Among those, number of cases which outcome was data deletion: 0
- 8. Number of inspection actions performed:** 10
- 9. Raising awareness activity:** -
- 10. Link for Schengen information in the DPA website:**

In Hungarian: <http://www.naih.hu/schengeni-informacios-rendszer.html>

In English: <http://www.naih.hu/schengen-information-system.html>
- 11. Any relevant case-law:** -

12. Any other relevant activity: In April 2017, the DPA conducted an on-site inspection of the N.SIS II Office at the Deputy State Secretariat for Records Management of the Ministry for Internal Affairs, the national operator of the N.SIS II. The legal basis for the inspection was based on Section 34 of Act CLXXXI of 2012 on the exchange of information in the framework of the Second Generation Schengen Information System and Article 60 (2) of Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the Second Generation Information System (SIS II).

In the course of the inspection and by way a questionnaire sent in advance, the DPA's staff checked the fulfilment of the conditions for the lawfulness of data processing, the method and legal basis of data entry, the logging of data processing operations, the questions of purpose limitation and proportionality of data processing, the definition and implementation of tasks, and they also visited the server room to ascertain its physical security as well. For a general examination of system logging, three searches were made in connection with SIS II specific complaints. No unlawful data processing was found on the basis of the range of data processed and the log data.

Overall, it can be stated that N.SIS II Office fulfils its legal requirements and operates in accordance with the data protection framework.

13. Iceland

1. **Country:** Iceland
2. **Name of the DPA:** The Data Protection Authority (DPA) (Icelandic: Persónuvernd)
3. **Legal provisions implementing SIS II framework (short description):** Act No. 16/2000 on the Schengen Information System in Iceland. Regulation No. 112/2001 on the Schengen Information System in Iceland.
4. **Number of complaints from data subjects:** No complaints were received.
5. **Main issues object of complaints:** N/A
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** The DPA received two access requests in 2016. In both instances, the individual in question was redirected to the National Commissioner of the Icelandic Police, which is responsible for handling such requests.
 - a. Among those, number of requests for deletion that resulted in deletion: In the aforementioned instances, deletion was not requested.
7. **Number of handled cases of cooperation between DPAs:** N/A
 - a. Among those, number of cases which outcome was data deletion: N/A
8. **Number of inspection actions performed:** An inspection of the Schengen Information System in Iceland commenced in 2016. Information on the processing was gathered as well in line with what was decided by the SIS II SCG.
9. **Raising awareness activity:** Information on the website of the DPA was improved.
10. **Link for Schengen information in the DPA website:**
<https://www.personuvernd.is/information-in-english/greinar/nr/2202>
11. **Any relevant case-law:** No relevant case law.
12. **Any other relevant activity:** N/A

14. Italy

1. **Country:** Italy
2. **Name of the DPA:** Garante per la protezione dei dati personali
3. **Legal provisions implementing SIS II framework (short description):** No changes in legislation
4. **Number of complaints from data subjects:** The Garante has received several complaints during the referred period. It has also received access requests sent as well to the competent national authority.
5. **Main issues object of complaints:** As for the above mentioned complaints they were mainly related to the exercise of the rights referred to in Article 41 of the Regulation. As for the above mentioned requests they were mainly dealing with the Article 24 of the Regulation.
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** 2016:28; 2017:18
 - a. Among those, number of requests for deletion that resulted in deletion (2016:8; 2017:4)
7. **Number of handled cases of cooperation between DPAs:** 2016:7; 2017:17
 - a. Among those, number of cases which outcome was data deletion: (2017:1)
8. **Number of inspection actions performed:** No in situ inspections have been performed; on the contrary some checks on specific issues have been carried out as follow-up + activities of prescriptive measures adopted by the Garante in order to assess their effective implementation.
9. **Raising awareness activity:** The Garante website has been updated, by adding a clear reference to the possibility for the data subjects to lodge a complaint, free of charge. The update also includes reference and link to the guide on the exercise of the right of access and MoI website.
10. **Link for Schengen information in the DPA website:**
<http://www.garanteprivacy.it/web/guest/home/attivita-e-documenti/attivita-comunitarie-e-internazionali/cooperazione-in-ambito-ue/schengen>
11. **Any relevant case-law:** None
12. **Any other relevant activity:** Activities performed for the Schengen evaluation of Italy in the field of data protection which took in place in March 2016

15. Liechtenstein

1. **Country:** Liechtenstein
2. **Name of the DPA:** Data Protection Office (www.datenschutzstelle.li)
3. **Legal provisions implementing SIS II framework (short description):** The Regulation (EC) No 1987/2006 (SIS II Regulation) and the Council Decision 2007/533/JHA (SIS II Decision) have been implemented in Liechtenstein in a separate Ordinance, the N-SIS-Ordinance. It is based on the Police Act and the Foreigner Act.
4. **Number of complaints from data subjects:** 0
5. **Main issues object of complaints:** N/A
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** The rights of access, correction and deletion will be exercised directly to the national police.
 - a. Among those, number of requests for deletion that resulted in deletion N/A
7. **Number of handled cases of cooperation between DPAs:** 0
 - a. Among those, number of cases which outcome was data deletion:
8. **Number of inspection actions performed:** 0
9. **Raising awareness activity:** 0
10. **Link for Schengen information in the DPA website:** <https://www.datenschutzstelle.li/internationales/schengendublin>
11. **Any relevant case-law:** -
12. **Any other relevant activity:** -

16. Lithuania

1. **Country:** Lithuania
2. **Name of the DPA:** State Data Protection Inspectorate of the Republic of Lithuania (SDPI)
3. **Legal provisions implementing SIS II framework (short description):**
Council Decision 2007/533/JHA and Regulation 1987/2006 are applicable. In addition, there are Lithuanian national Schengen Information System regulations, approved by the Order No 1V-324 of 17 September 2007 by the Minister of the Interior (latest version 29/05/2018), the Safety Regulations of Lithuanian national Schengen

Information System approved by the Order No 1V-325 of 17 September 2007 by the Minister of the Interior.

4. **Number of complaints from data subjects:** 0
5. **Main issues object of complaints:** N/A
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** In Lithuania, the rights of access, correction and deletion are directly exercisable with the data controller, in this case the Ministry of Interior. However in 2016 the received 7 and in 2017 – 2 requests for access and deletion in relation to SIS alerts. Requests were forwarded to the Ministry of Interior (data controller) or the data subjects were informed about requirements for such requests and the guidelines available.
 - a. Among those, number of requests for deletion that resulted in deletion N/A
7. **Number of handled cases of cooperation between DPAs:** 0
 - a. Among those, number of cases which outcome was data deletion: N/A
8. **Number of inspection actions performed:** 2
9. **Raising awareness activity:** Information regarding Schengen is available on the SDPI website. General information about personal data protection in the Schengen Area, as well as [A guide for exercising the right of access](#), legal information, institutions responsible for the execution of functions according the Schengen aquis, model forms of Request for access, correction and deletion and other relevant information is published.
10. **Link for Schengen information in the DPA website:**
<https://www.ada.lt/go.php/lit/img/43> (in Lithuanian)
<https://www.ada.lt/go.php/eng/img/4> (in English)
11. **Any relevant case-law:** None
12. **Any other relevant activity:** Participation in the 3 Data Protection Schengen Evaluations of Denmark, Sweden and Portugal in 2017

17. Luxembourg

1. **Country:** Luxembourg
2. **Name of the DPA:** There are two supervisory authorities:
 - The “Supervisory Authority Article 17” which has exclusive competence to supervise processing of personal data carried out by the Police, Intelligence services, Customs authority and Army.

- The “Commission Nationale pour la Protection des Données (CNPD)” which is competent to supervise all other data processing operations in the private and public sector.

3. **Legal provisions implementing SIS II framework (short description):** There is no specific national legislation implementing SIS II framework. Council Decision 2007/533/JHA, Regulation 1987/2006 and the national data protection Law of 2 August 2002 are applicable.
4. **Number of complaints from data subjects:** None
5. **Main issues object of complaints:** n/a
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** 2016: None
2017: None
 - a. Among those, number of requests for deletion that resulted in deletion: n/a
7. **Number of handled cases of cooperation between DPAs:** None
 - a. Among those, number of cases which outcome was data deletion: n/a
8. **Number of inspection actions performed:** 2 inspection actions
 - The Luxembourg DPA carried out (March – October 2017) an audit of the data processing operations in the N.SIS II pursuant to article 44.2 of Regulation (EC) 1987/2006
 - Furthermore, the DPA performed an inspection related to the log-files in the N.SIS II pursuant to article 44.1 of Regulation (EC) 1987/2006
9. **Raising awareness activity:** n/a
10. **Link for Schengen information in the DPA website:**
<https://cnpd.public.lu/fr/commission-nationale/activites-eur-inter/ACC/SIS-II-SCG.html>
11. **Any relevant case-law:** None
12. **Any other relevant activity:** Schengen Evaluation
An inspection team of Member States and Commission experts carried out an evaluation of Luxembourg’s application of the Schengen acquis in the field of data protection between 25 and 29 January 2016. Following the evaluation report of the Commission, the Council adopted in January 2017 an implementing decision setting out 17 recommendations on addressing the deficiencies identified. End of April 2017 the Luxembourg DPA presented to the European Commission its action plan to remedy the deficiencies identified.

18. Malta

1. **Country:** Malta
2. **Name of the DPA:** Office of the Information and Data Protection Commissioner
3. **Legal provisions implementing SIS II framework (short description):**
 The applicable legal framework may be summarised as follows:
 - Subsidiary Legislation 440.05 applying to the processing of personal data in the law enforcement sector (as of May 2018, replaced by S.L. 586.08, transposing Directive 2016/680);
 - The Data Protection Act (Chapter 440), (as of May 2018, replaced by the new Chapter 586 supplementing the direct applicability of the General Data Protection Regulation 2016/679);
 - GHQ Circular No: 115/07 titled 'Schengen Information System Regulations' declaring the Data Protection Officer of the Malta Police Force as being responsible for the receipt, processing and replies of Data Subject Access Requests, and lists the authorities which may have access to alerts of the SIS II;
 - The abovementioned legal framework supplements, and is without prejudice to the SIS II Regulation and Decision, which have direct application in the national statute.
4. **Number of complaints from data subjects:** 3 complaints were submitted
5. **Main issues object of complaints:** These complaints related to access and erasure requests which in Malta shall be filed directly with the N-SIS competent authority. In all cases, the complainant was informed about the procedure and guided to resubmit the request accordingly.
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** N/A
7. **Number of handled cases of cooperation between DPAs:** 0
8. **Number of inspection actions performed:** In total, six onsite inspections were performed in 2016. These related to:
 - a) Sirene Bureau
 - b) N-SIS
 - c) Consular Post
 - d) Visa Authorities
 - e) Border and Immigration
 - f) Immigration Appeals Body

In addition to these inspections, the DPA also conducted common activities as coordinated by the SIS II Supervision Coordination Group.

- 9. Raising awareness activity:** This Office updated all the information concerning SIS II both in a leaflet which is made available at the different points where personal data may be collected or verified in SIS II (e.g. Police stations, Borders, Visa Unit, Consular Posts, etc). The information was also upgraded in the website, and access to such information is also facilitated through visible banners. Awareness is also raised by sharing all information and material with the relevant stakeholders through regular exchanges and meetings.

10. Link for Schengen information in the DPA website:

<https://idpc.org.mt/en/Pages/dp/eu/schengen.aspx>

11. Any relevant case-law: 0

- 12. Any other relevant activity:** In September 2016, Malta had its third Schengen data protection evaluation. This was the first evaluation under the new regime. The evaluation focused primarily on the work of the Data Protection Authority, its role and the fulfilment of its supervisory commitments and subsequently, on the operations of the N-SIS, SIRENE, and Visa authorities, and whether these comply with the SIS II legal framework and the applicable data protection rules. In general, the evaluation was a positive one, both for the DPA and the other competent authorities, and no major compliance issues were raised. This notwithstanding, some recommendations were issued and are being followed-up accordingly. The Information and Data Protection Commissioner is fully committed to ensure that all the necessary action is taken.

19. Norway

1. **Country:** Norway
2. **Name of the DPA:** Datatilsynet/ The Norwegian Data Protection Authority
3. **Legal provisions implementing SIS II framework (short description):** The Act relating to the Schengen Information System of 16 July 1999 no. 66, as amended by the Act of 31 March 2017 (entry into force on 18 April 2018).
4. **Number of complaints from data subjects:** N/A
5. **Main issues object of complaints:** N/A
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):**17

- a. Among those, number of requests for deletion that resulted in deletion
- 7. Number of handled cases of cooperation between DPAs: 2**
 - a. Among those, number of cases which outcome was data deletion:
- 8. Number of inspection actions performed: 1**
- 9. Raising awareness activity:** Information on DPA website
- 10. Link for Schengen information in the DPA website:**
<https://www.datatilsynet.no/en/regulations-and-tools/regulations-and-decisions/schengen-information-system/>
- 11. Any relevant case-law:** N/A
- 12. Any other relevant activity:** Schengen Evaluation of Norway in November 2017

20. The Netherlands

- 1. Country:** The Netherlands
- 2. Name of the DPA:** The Dutch Data Protection Authority (Autoriteit Persoonsgegevens)
- 3. Legal provisions implementing SIS II framework (short description):**
 To the processing of personal data in the N.SIS II is applicable the Police Data Act and the Police Data Decree. Alerts based on the SIS II Decision are processed according to the provisions of the Police Data Act. Alerts based on the SIS II Regulation are processed in accordance with the Dutch Data Protection Act (applicable until 25 May 2018). Procedural law applicable to filing requests to the competent or supervisory authority, and submitting cases to the court are the General Administrative Law Act and the Police Data Act in conjunction with Dutch Data Protection Act.
- 4. Number of complaints from data subjects:** 0
- 5. Main issues object of complaints:** Not applicable.
- 6. Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):**
 In 2016 the competent authority for handling data subject's requests, the privacy officer of the Central Unit of Dutch National Police, received a total of 359 requests of which 18 requests for deletion. In 2017 the Dutch National Police received 477 requests. Due to a change of IT systems the requests could not be specified. The Dutch DPA forwards requests for access or deletion when received to the

competent authority. This happened occasionally in both 2016 and 2017.

- a. **Among those, number of requests for deletion that resulted in deletion:** In 2016 all 18 requests resulted in deletion.

7. Number of handled cases of cooperation between DPAs: 1

- a. **Among those, number of cases which outcome was data deletion: 0**

8. Number of inspection actions performed:

In 2016 the Dutch DPA carried out an inspection of the Dutch SIRENE Bureau with a view to compliance with their duties, based on Article 7(2) SIS II Regulation and Article 7(2) SIS II Decision. A number of violations of the applicable provisions were identified. However, based on the measures taken by the National Police accordingly, no further actions had to be taken by the Dutch DPA.

Moreover, in 2016-2017 the Dutch DPA started enforcement actions following an inspection of data processing by the Dutch National Police in N.SIS II, performed in 2015. A number of issues regarding security and training were addressed by the National Police by taking measures of compliance. However, one issue concerning logging obligations remained and finally the DPA imposed an order backed by a periodic penalty payment in order to achieve compliance.

9. **Raising awareness activity:** The Dutch DPA did not carry out specific awareness raising activities in the reporting period. From 2017 onwards, the National Police organized a yearly 'Sirene on tour' for all SIS II users. Purpose of these tours is to update all users on the correct use of SIS II, including safeguarding data quality. Also, the National Police, introduced an intranet site covering all information concerning SIS II, among others legislation, instructions and working procedures. The Dutch Police Academy developed an e-learning module for end users.

10. Link for Schengen information in the DPA website:

<https://autoriteitpersoonsgegevens.nl/nl/onderwerpen/politie-justitie/europese-informatiesystemen>

11. **Any relevant case-law:** In 2017 a relevant court decision in relation to the deletion of SIS alerts was published (ECLI:NL:RBDHA:2017:7241). It concerned a request to abolish a declaration of an undesirable alien according to the Dutch Aliens' legislation, and accordingly the deletion of the SIS alert related to that. The court was of the opinion that the declaration should not be abolished, and therefore the related SIS alert should stay in place.

12. Any other relevant activity: In April 2017 the Dutch DPA sent in replies to the questionnaire on logging at national level.

21. Poland

1. **Country:** Poland
2. **Name of the DPA:** Personal Data Protection Office/Urząd Ochrony Danych Osobowych
(former: Inspector General for Personal Data Protection/Generalny Inspektor Ochrony Danych Osobowych)
3. **Legal provisions implementing SIS II framework (short description):** Act of 24 August 2007 on the participation of the Republic of Poland in the Schengen Information System and the Visa Information System sets out the rules and implementing measures for the participation of the Republic of Poland, including public authorities obligations and rights which concern making entries and access to data in the SIS and VIS via the National Information System.
4. **Number of complaints from data subjects:** -
5. **Main issues object of complaints:** Requests for deletion.
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** n/a
In Poland, right to access is exercised directly.
 - a. Among those, number of requests for deletion that resulted in deletion: n/a
7. **Number of handled cases of cooperation between DPAs:** -
 - a. Among those, number of cases which outcome was data deletion: -
8. **Number of inspection actions performed:** 25
9. **Raising awareness activity:** Necessary information regarding the SIS has been available at the website. In the reported period, the Polish DPA also conducted trainings on personal data protection for personnel of the Ministry of Foreign Affairs. Moreover, staff having access to the SIS is obliged to take part in trainings performed by responsible authorities which are undertaken in accordance with the Regulation.
10. **Link for Schengen information in the DPA website:**
<https://uodo.gov.pl/en/p/schengen>
11. **Any relevant case-law:** -
12. **Any other relevant activity:** During the reported period, the Polish DPA carried out a series of inspections, which were centred around

the lawfulness of the access to the SIS. Among inspected authorities were consulates, Polish Office for Foreigners, Mazowieckie Province Governor's Office, Border Guard, General Police Headquarters of Poland, Ministry of Foreign Affairs and others. Whereas it was verified that most of the authorities comply with the rules, in some cases the Polish DPA identified offences to regulations/procedural defects. As the result, the Polish DPA had to enforce corrective measures.

22. Portugal

1. **Country:** Portugal
2. **Name of the DPA:** Comissão Nacional de Protecção de Dados
3. **Legal provisions implementing SIS II framework (short description):**
The Data Protection Act (Law 67/98, of 26 October) is applicable to the SIS data processing and covers all competent authorities with access to the SIS. There is also Law 2/94 establishing the control and verification mechanisms for the SIS, which is still applicable to the SIS II legal framework with the necessary adjustments. This law sets the DPA as the national control authority entrusted with the supervision of the national part of the SIS; it provides for an indirect right of access, rectification and deletion via the DPA and it lays down (shorter) deadlines to reply to the requests of the individuals.
4. **Number of complaints from data subjects:** 0
5. **Main issues object of complaints:** not applicable
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** 273 requests in 2016 and 2017 submitted to the DPA. In 2016, there were 139 requests for access and 2 requests for deletion. In 2017, there were 125 requests for access and 7 request for deletion.
 - a. Among those, number of requests for deletion that resulted in deletion: 2
7. **Number of handled cases of cooperation between DPAs:** 1
 - a. Among those, number of cases which outcome was data deletion: 0
8. **Number of inspection actions performed:** 6
9. **Raising awareness activity:** Mostly made through the DPA website in dedicated pages to Schengen, but also through printed brochures. There is also regular contact with NGOs concerning the exercise of the Schengen rights.

10. Link for Schengen information in the DPA website:

In Portuguese: <https://www.cnpd.pt/bin/direitos/schengen.htm>

In English: <https://www.cnpd.pt/english/bin/schengen/schengen.htm>

In French: <https://www.cnpd.pt/francais/bin/Droit/droit.htm>

11. Any relevant case-law: none of our knowledge

12. Any other relevant activity: Portugal had its Schengen evaluation in data protection in June 2017. The DPA accompanied the evaluation team at all times.

23. Romania**1. Country:** Romania

2. Name of the DPA: Autoritatea Națională de Supraveghere a Prelucrării Datelor cu Caracter Personal (National Supervisory Authority for Personal Data Processing)

3. Legal provisions implementing SIS II framework (short description):

The legal provisions implementing SIS II framework is formed of Law no. 141 of 12th of July 2010 on the setting up, organisation and functioning of the National Information System for Alerts (NISA) and participation of Romania to the Schengen Information System, republished.

Law no. 141/2010 regulates the organization and operation of the National Information System for Alerts compatible with the SIS II. The above-mentioned law establishes also the authorities responsible for the technical management and ensuring the optimal conditions for the exploitation of NISA and of the national copy of SIS, the categories of data being processed, the principles and areas covered by the security measures required for the proper functioning of the system.

Law no. 141/2010 also provides for general rules for processing, storing and accessing data on alerts, including aspects specific to the personal data protection field.

The rights of the data subject in the context of the processing of personal data in this system are exercised according to the legal provisions regulating the personal data protection field, with some exceptions expressly provided by the Law no. 141/2010.

4. Number of complaints from data subjects: -**5. Main issues object of complaints: -****6. Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):**

a. Among those, number of requests for deletion that resulted in deletion

The right of access in Romania is direct. However, the Romanian Data Protection Authority received 1 access request in 2016 and 2 access requests in 2017. In all the cases, the data subject was advised to address the SIRENE Bureau.

7. Number of handled cases of cooperation between DPAs: 1 case

a. Among those, number of cases which outcome was data deletion: No cases

8. Number of inspection actions performed: 1 case

The Federal Data Protection from Germany has requested the support from the Romanian Data Protection Authority regarding the deletion of an alert entered into NISA/SIS by the Romanian authorities concerning a car owned by a German citizen. The Control Department within the Romanian Data Protection Authority, according to the decision of the Romanian Data Protection Authority's management, started investigations at the General Inspectorate of the Romanian Police - the International Police Cooperation Center - the SIRENE Bureau, and the Police Inspectorate of the County of Constanța. Following the inspection, the Romanian Data Protection Authority did not order the deletion of data.

9. Raising awareness activity: Information and other relevant documents such as the "Guide for exercising the right of access" are posted on the data protection authority's website.

10. Link for Schengen information in the DPA website:

<http://www.dataprotection.ro/index.jsp?page=schengen&lang=en>

11. Any relevant case-law: -

12. Any other relevant activity: -

24. Slovakia

1. Country: Slovak republic

2. Name of the DPA: Office for Personal Data Protection of the Slovak Republic

3. Legal provisions implementing SIS II framework (short description):

Following legal acts govern competencies of law enforcement authorities, courts and authorities responsible for issuing visas:

- Act No. 171/1993 Coll. on the Police Force as amended,
- Act No 301/2005 Coll. on criminal procedure as amended,

- Act No. 154/2010 Coll. on the European arrest warrant as amended and
- Act No. 404/2011 Coll. on stay of the foreigners.
- 4. Number of complaints from data subjects:** 1
- 5. Main issues object of complaints:** For the request submitted in 2016, the individual was asking for the deletion of an alert from the Schengen Information System concerning his vehicle.
- 6. Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):**
 - a. Among those, number of requests for deletion that resulted in deletion: Slovak DPA does not keep a register of requests for access, correction and deletion.
- 7. Number of handled cases of cooperation between DPAs:**
 - Among those, number of cases which outcome was data deletion: None.
- 8. Number of inspection actions performed:** -
- 9. Raising awareness activity:** Slovak DPA so far has not done any activity in this matter.
- 10. Link for Schengen information in the DPA website:**
<https://dataprotection.gov.sk/uouu/en/content/schengen-area>
- 11. Any relevant case-law:** With regard to Slovak republic there is no relevant case-law.
- 12. Any other relevant activity:** None.

25. Slovenia

- 1. Country:** Slovenia
- 2. Name of the DPA:** Information Commissioner
- 3. Legal provisions implementing SIS II framework (short description):** Regulation (EC) 1987/2006 – “SIS II Regulation”, Council Decision 2007/533/JHA-“SIS II Decision”.
 The process of exercising the right to consult one’s own personal data in Slovenia is regulated in accordance with the Personal Data Protection Act (Articles 30 and 31) and the Information Commissioner Act. In the conformity with Article 32 of the Personal Data Protection Act, the Ministry of the Interior must on the request of an individual to whom personal data relate, supplement, correct, block or erase personal data contained in the SIS which the individual proves as being incomplete, inaccurate or not up to date, or that they were collected or processed contrary to statute.
- 4. Number of complaints from data subjects:** In the period 2016-2017 we did not receive any complaint.
- 5. Main issues object of complaints:** -

6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** / - Police jurisdiction
 - a. Among those, number of requests for deletion that resulted in deletion
7. **Number of handled cases of cooperation between DPAs:** -
 - a. Among those, number of cases which outcome was data deletion:
8. **Number of inspection actions performed:** 1
9. **Raising awareness activity:** All information about SIS II are published on website of the Information Commissioner and the Police.
10. **Link for Schengen information in the DPA website:**
<https://www.ip-rs.si/en/data-protection/schengen-information-system/>
11. **Any relevant case-law:** -
12. **Any other relevant activity:** -

26. Spain

1. **Country:** Spain
2. **Name of the DPA:** Agencia Española de Protección de Datos
3. **Legal provisions implementing SIS II framework (short description):**
 The fundamental legal framework that supports the SIS II is made up of two standards, Decision 2007/533 / JAI and Regulation 1987/2006.
 The Decision complies with the Council of Europe Convention of 28 January 1981 for the protection of individuals with regard to the automated processing of personal data (EN), according to which personal data must be protected in the descriptions of SIS II concerning police and judicial cooperation in criminal matters. The Convention will also be used as a reference to define the categories of data whose treatment in the SIS II will be prohibited.
4. **Number of complaints from data subjects:** No record of any claim, only the exercise of rights later indicated.
5. **Main issues object of complaints:** Request of cancellation relating to Article 24 alerts.
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):**

In the period of 2016-2017, 8 requests for access have been received in the Agency and the majority requests cancellation, all are relative to data of Article 24 (foreigners with entry ban).

- a. Among those, number of requests for deletion that resulted in deletion: None
 - b. **Number of handled cases of cooperation between DPAs: (three of the requests have been received from the Spanish DPA and the answer has been sent to them)** In a case of 2016, collaboration was requested from Italy.
 - c. Among those, number of cases which outcome was data deletion: None
7. **Number of inspection actions performed:** Inspections were made to Madrid and Brussels airport and Barcelona Port and to the premises of the national police and the SIRENE Office. With regards to the actions that have been taken to process the requests for rights, the Spanish DPA have requested for information to both the Immigration and Border Police Station as well as the SIRENE Office.
 8. **Raising awareness activity:** Training courses on data protection have been given to the SIRENE Office and national police units.
 9. **Link for Schengen information in the DPA website:**
[http://www.agpd.es/portalwebAGPD/internacional/Europa/Cooperacion Policial Judicial/Sistema de Informacion SCHENGEN/index-ides-idphp.php](http://www.agpd.es/portalwebAGPD/internacional/Europa/Cooperacion%20Policial%20Judicial/Sistema%20de%20Informacion%20SCHENGEN/index-ides-idphp.php)
 10. **Any relevant case-law:** There is no evidence of relevant case law under the Spanish legislation.
 11. **Any other relevant activity:** No particular activity has been reported.

27. Sweden

1. **Country:** Sweden
2. **Name of the DPA:** Datainspektionen (the Swedish Data Protection Authority)
3. **Legal provisions implementing SIS II framework (short description):** The Act (2000:344) on the Schengen Information System and a related Government Ordinance (2000:836) on the Schengen Information System. They include provisions on alerts, right of access and more regarding the Schengen Information System in those parts that are not regulated by the directly applicable EU Regulations 1986/2006 and 1987/2006 on SIS II.

4. **Number of complaints from data subjects:** 3
5. **Main issues object of complaints:** Right of access, deletion
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** N/A
 - a. **Among those, number of requests for deletion that resulted in deletion**
7. **Number of handled cases of cooperation between DPAs:** 1
 - a. **Among those, number of cases which outcome was data deletion:** 0
8. **Number of inspection actions performed:** 4
9. **Raising awareness activity:** Information on DPA website with relevant links in English and Swedish
10. **Link for Schengen information in the DPA website:**
<https://www.datainspektionen.se/om-oss/datainspektionens-internationella-arbete/schengensamarbetet/>
11. **Any relevant case-law:** -
12. **Any other relevant activity:** A Schengen evaluation of Sweden was carried out in 2017.

28. Switzerland

1. **Country:** Switzerland
2. **Name of the DPA:** Federal Data Protection and Information Commissioner FDPIC
3. **Legal provisions implementing SIS II framework (short description):**
Federal level: The federal authorities that process personal data in the SIS must comply with the following rules:
 - The directly applicable provisions of the Schengen Convention (Title IV, particularly Chapter 3), the relevant EU legislation part of the Schengen acquis⁹ of which Switzerland has been notified, the relevant acts of the Council of Europe, especially the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, CETS No. 108 (28.I.1981) and its Additional Protocol regarding Supervisory Authorities and Transborder Data Flows CETS No. 181 (8.XI.2001)

⁹ According to Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (See <https://www.admin.ch/opc/fr/classifiedcompilation/20042363/index.html>).

- The Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second-generation Schengen Information System (SIS II) and the Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II, SIS II Decision)
- Art. 13 of the Federal Constitution of the Swiss Confederation of 18 April 1999;
- The Federal Act on Data Protection of 19 June 1992 (FADP) and of the Ordinance of 14 June 1993 to the Federal Act on Data Protection (OFADP)¹⁰
- Art. 16 of the Federal Act on the Information Systems of the Federal Police of 13 June 2008 (FPISA) and Art. 355e of the Swiss Criminal Code of 21 December 1937 (CC);
- Federal Act of 12 June 2009 on Information Exchange between the Criminal Prosecution Authorities of the Confederation and those of Other Schengen States (Schengen Information Exchange Act, SIEA);
- The Ordinance on the National Part of the Schengen Information System and on the SIRENE Bureau of 8 March 2013 (N-SIS Ordinance).

Cantonal level: With the exception of the Federal Act on Data Protection (FADP) and the corresponding Ordinance (OFADP), the cantonal and local Authorities that process personal data in the SIS must comply with the same rules as the federal authorities. Instead of the FADP and OFADP, the cantons apply their own cantonal data protection legislation.

4. **Number of complaints from data subjects:** The FDPIC did not receive any complaint but different questions and or requests of access and/or deletion (23 in 2016 and 23 in 2017). In some cases the FDPIC forwarded the request to the competent federal office, in other cases the FDPIC answered the questions after having analysed the case with the competent federal office.
5. **Main issues object of complaints:** cf. answer to question 4.
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** -
 - a. Among those, number of requests for deletion that resulted in deletion
7. **Number of handled cases of cooperation between DPAs:**
10 cases from CNIL/France (5 in 2016 and 5 in 2017); 2 cases from Portugal (in 2016) 1 case from Germany = 13 (in 2016)

¹⁰ This law is currently being revised.

- a. Among those, number of cases which outcome was data deletion: 0

8. Number of inspection actions performed:

On **federal level**, the FDPIC performed the following inspections:

- Two controls of the log files, one at the state secretariat for migration (SEM) and one at the Swiss Border Guard SBG
- Starting of two controls at the state secretariat for migration (SEM), one concerning the VIS and one concerning the SIS
- The FDPIC also took part in the Schengen Data protection evaluation of IT.

The **cantonal** data protection authorities¹¹ also performed several inspections, mostly concerning the control of log files at end users of the SIS. On cantonal level, 15 inspections were performed in 2016 and 2017, one inspection was finished and one could be started in this period.

9. Raising awareness activity:

Keeping our website up-to-date including a factsheet on “Schengen and your personal data”, model letters, a document offering an overview of the legal basis for the supervisory authorities. Our annual activity report has a section dedicated to international matters. Mutual links are provided between the FDPIC and the federal office of police, State Secretariat for migration and federal Department of foreign affairs.

Most of the cantonal authorities now have a direct link to SIS II related information (See question 10) on their main page.

10. Link for Schengen information in the DPA website:

<https://www.edoeb.admin.ch/edoeb/en/home/data-protection/police--defence-and-migration/the-schengen-agreement-and-the-dublin-regulation.html>

or: www.edoeb.admin.ch → en → Schengen/Dublin

11. Any relevant case-law: none

12. Any other relevant activity: none

¹¹ Due to the short delay, not all cantonal data protection authorities were able to provide an answer. This information contains all the responses the FDPIC received until 16.11.2018.

29. United Kingdom

1. **Country:** United Kingdom
2. **Name of the DPA:** The UK Information Commissioner's Office
3. **Legal provisions implementing SIS II framework (short description):**
 Article 4 of a protocol (No. 19) attached to the Treaty of Amsterdam grants the UK a right to opt in to some or all of the Schengen provisions. The UK asked to cooperate in police and judicial cooperation elements of the Schengen agreement in 1999 and was granted access through Council Decision 2000/365/EC in May 2000 and the subsequent Council Decision 2014/857/EU (modifying 2000/365/EC). The UK connected to the second generation Schengen Information System (SIS II) on 13 April 2015.
 The processing of personal data under SIS II by UK authorities is governed by the Data Protection Act 2018 since 25 May 2018 (and the Data Protection Act 1998 and Part 4 of the Criminal Justice and Data Protection (Protocol No.36) Regulations 2014 before this).
4. **Number of complaints from data subjects:** None received
5. **Main issues object of complaints:** N/A
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** None received
 - a. Among those, number of requests for deletion that resulted in deletion: N/A
7. **Number of handled cases of cooperation between DPAs:** -
 - a. Among those, number of cases which outcome was data deletion: N/A
8. **Number of inspection actions performed:** None (previous audit undertaken in March 2016). An inspection is being scheduled for February 2019.
9. **Raising awareness activity:** Continued liaison with the National Crime Agency (NCA) (SIRENE Bureaux for the UK).
10. **Link for Schengen information in the DPA website:**
<https://ico.org.uk/about-the-ico/what-we-do/international-duties/>
11. **Any relevant case-law:** None
12. **Any other relevant activity:** In March 2018 the ICO participated in a four-day SCHEVAL in Switzerland. The ICO continues to maintain good links with the NCA. In July 2018, representatives of the ICO met with the NCA and discussed the publication of the UK Action Plan developed by the Home Office following the UK SCHEVAL (September 2018) in September/ October 2018.

PART III - The Management authority (eu-LISA)

1. **Management authority:** As the management authority for SIS II, eu-LISA is in charge of ensuring that at all times the best available technology, subject to a cost-benefit analysis, is used for Central SIS. Operational management of Central SIS II consists of all the tasks necessary to keep Central SIS II functioning 24 hours a day, 7 days a week in accordance with the SIS II legal framework, in particular the maintenance work and technical developments necessary for the smooth running of the system.
2. **Name of the DPA:** European Data Protection Supervisor
3. **Legal provisions implementing SIS II framework (short description):** The SIS II Regulation and Decision describe the role of eu-LISA as management authority for the central unit of SIS II; the same texts also provide for the EDPS' role regarding the SIS II; the general tasks and powers of the EDPS are set out in Regulation (EC) 45/2001.
4. **Number of complaints from data subjects:** 8 – NB: these complaints were all about issues falling into the responsibilities on the national level (e.g. alleging unlawful entry bans or unsatisfactory replies to access requests) and thus were outside our competence to investigate. We referred complainants to the national competent authorities and/or DPAs as appropriate.
5. **Main issues object of complaints:** The EDPS has received a number of complaints concerning different kinds of alerts in the SIS. Mostly these were entry bans under Article 24 of the SIS Regulation, which applicants found out about when visa were refused because of the alerts. Alerts are introduced by national competent authorities, complaints against specific alerts should be lodged with national DPAs (similar to the rules on challenging the underlying national decision leading to the alert). We normally referred complainants to the SIS SCG guide on access for contact details of national DPAs; where the information provided by the complainant already included information on which Member State introduced the alert, we also directly referred complainants to that Member State's DPA.
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** n/a
 - a. Among those, number of requests for deletion that resulted in deletion n/a
7. **Number of handled cases of cooperation between DPAs:** 0

- a. Among those, number of cases which outcome was data deletion: 0
8. **Number of inspection actions performed:** During the reporting period, the EDPS followed up on the inspection report for the SIS issued in 2015.
9. **Raising awareness activity:** Not specifically on the operational management of SIS II; however, the EDPS drew the co-legislators attention to issues in the proposals for the updates of the legal frameworks for eu-LISA and the Schengen Information System. For further information, please see [Opinion 7/2017 on the new legal basis of the Schengen Information System](#) and [Opinion 9/2017 on the proposal for a Regulation on the eu-LISA](#).
10. **Link for Schengen information in the DPA website:** For general information on the EDPS as a supervisory authority, see https://edps.europa.eu/data-protection/our-role-supervisor_en. For its role in providing the SIS II SCG secretariat, see https://edps.europa.eu/data-protection/european-it-systems/schengen-information-system_en.
11. **Any relevant case-law:** n/a
12. **Any other relevant activity:** The EDPS and eu-LISA stay in contact regarding questions of the agency's mandate as management authority for SIS II; the SIS II SCG is kept informed via its Chair and the secretariat. Apart from its role as supervisory authority for eu-LISA and member of the SIS II SCG in that capacity, the EDPS also provides the secretariat for the SIS II SCG.

Annexes

Annex A: List of documents adopted

1. Working Program for 2016-2018, adopted in April 2016
2. Activity report 2013-2015, adopted in April 2016
3. Common Position Nr. 1/2016 on the Deletion of alerts on vehicles sought for seizure or use as evidence in criminal proceedings and the interpretation of Article 38 of the Council Decision 2007/533/JHA, adopted in April 2016
4. Common audit framework: Part II – Alerts Module: Joint Model for Inspecting SIS II Alerts, adopted in November 2016
5. Letter to on the financial resources, adopted in June 2017
6. Letter to on the SIS II legislative proposals , adopted in August 2017
7. Report “overview of access to the Schengen Information System II”, adopted in November 2017.

Annex B: List of members and observers

Members:

1. AUSTRIA

Marcus Hild
Matthias Wildpanner-Gugatschka
Andreas Zavadil

2. BELGIUM

Bart de Schutter
Frédéric Claeys
Gert Vermeulen
Koen Gorissen

3. BULGARIA

Hristo Alaminov
Tsvetelin Sofroniev

4. CROATIA

Igor Vulje

5. CZECH REPUBLIC

Jan Oscipovsky

6. DENMARK

Morten Tønning
Sissel Kristensen
Ahang Faraje

7. EDPS

Owe Langfeldt
Fidel Santiago
Andy Goldstein

8. ESTONIA

Andres Ojaver
Raavo Palu
Kristjan Küti

9. FINLAND

Heikki Huhtiniemi

10. FRANCE

François Pellegrini
Céline Boyer

11. GERMANY

Hardy Richter (Bonn)
Nina Berg (Hessen)
Iris Gnedler (Bonn)

12. GREECE

Eleni Maragkou
Ioannis Lykotrafitis

13. HUNGARY

Daniel Eszteri
Gabor Kulitsan
Laszlo Czebe

14. ICELAND

Thordur Sveinsson

15. ITALY

Vanna Palumbo

16. LATVIA

Inga Kasicka

17. LIECHTENSTEIN

18. LITHUANIA

Neringa Kaktavičiūtė-Mickiene

19. LUXEMBOURG

Thierry Lallemand

20. MALTA

David Cauchi
Saviour Cachia

21. NETHERLANDS

Erica Bool-Houwen

22. NORWAY

Jörgen Skorstad
Katherine Ekeberg

23. POLAND

Anna Zawila-Niedzwiecka
Olga Zabolewicz

24. PORTUGAL

Clara Guerra
Isabel Cruz

25. ROMANIA

Luisa Dumitru

26. SLOVAKIA

Angela Sobolciakova
Anna Sucha
Miroslava Benedikova
Tibor Camaj

27. SLOVENIA

Eva Kalan
Matej Sironic

28. SPAIN

Manuel García Sanchez
Pablo Manuel Mateos Gasguena

29. SWEDEN

Elisabeth Wallin Jideryd
Parisa Maleki

30. SWITZERLAND

Veronica Blattmann
Caroline Gloor Scheidegger
Dominika Blonski

31. UK

Naomi Osborne-Wood
Blandine Cassou-Mounat
Steven Dickinson

Observers:

1. CYPRUS

Constantinos Georgiades

2. IRELAND

Annex C: Members of the Secretariat
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Amanda Joyce

Anne-Christine Lacoste

Priscilla de Loch

Lara Smit

Matthias Wildpanner-Gugatschka

Gabriela Zanfir